

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

JERRY LEON DEES, JR.,

Plaintiff,

vs.

HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC and HYUNDAI MOTOR  
AMERICA, INC.,

Defendants.

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Case No. 2:07-cv-00306-MHT-CSC

**PLAINTIFF'S EVIDENTIARY SUBMISSION IN SUPPORT  
OF HIS RESPONSE IN OPPOSITION TO DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT**

COMES NOW Plaintiff, Jerry Leon Dees, Jr., and submits this Evidentiary Submission in Support of His Response in Opposition to Defendant's Motion for Summary Judgment, as follows:

**TABLE OF EXHIBITS**

<b><u>Exh #</u></b>	<b><u>Description</u></b>
1	Deposition of Jerry Leon Dees
2	Deposition of Katherine Dees
3	Deposition of Wendy Warner (11/15/07)
4	Deposition of Robert Clevenger
5	Deposition of Gwang Mun
6	Deposition of John Applegate
7	Deposition of James Brookshire

- 8 Declaration of Jerry Leon Dees
- 9 Declaration of Shane Archer
- 10 Declaration of Mark Bornberg
- 11 Declaration of John Wingo
- 12 Declaration of Lt. Col. (Ret.) Todd Harrison
- 13 Declaration of Wendell Richburg
- 14 Composite - HMA & HMMA Initial Disclosures and Supplements thereto
- 15 12/11/07 Letter to Defense Counsel from Jeffrey R. Sport, Esq.
- 16 Frankin Barnes Memorandum of Record (DEES000002)
- 17 Team Relations Memo to Greg Kimble from Rob Clevenger dated 02/23/07
- 18 Interview with James Brookshire dated 02/15/07
- 19 Email to John Applegate from Greg Prater dated 02/21/07 (Dees v. HMMA 00035)
- 20 FILED UNDER SEAL - Confidential  
Ontario King Investigation File (Dees v. HMMA 00283-287)
- 21 FILED UNDER SEAL - Confidential  
Photographs (Dees v. Hyundai 0345-346)
- 22 Email to Greg Kimble from Jerry Dees dated 2/06/07
- 23 Team Relations Memo to Robert Clevenger from William Ware dated 2/21/07
- 24 FILED UNDER SEAL - Confidential  
Discussion Planner (John W. Applegate and Greg Prater) dated 11/15/06 (Dees v. HMMA 00173-174)
- 25 FILED UNDER SEAL - Confidential  
Limited Liability Company Agreement of Hyundai Motor Manufacturing Alabama, LLC dated 4/12/02 (HMMA 30b5000828-838)
- 26 FILED UNDER SEAL - Confidential  
Memo Regarding 2006 Hyundai Motor Company Controlled Group Coverage Testing Projections (HMMA30b5000811-827)
- 27 FILED UNDER SEAL - Confidential  
Hyundai Motor America Advance Pricing Agreement Renewal Request dated 9/11/06 (HMMA 30b5000898-946)

- 28     FILED UNDER SEAL - Confidential  
Hyundai Motor Manufacturing Alabama, LLC Financial Statements  
December 31, 2006 and 2005 (HMMA 30b5001524-1541)
- 29     FILED UNDER SEAL - Confidential  
North American Affiliate Expense Allocation Agreement dated 9/1/06  
(HMMA 30b5000122-124)
- 30     FILED UNDER SEAL - Confidential  
Letter to Keith Duckworth from Greg Kimble dated 2/15/05 (HMMA  
30b5000121)
- 31     FILED UNDER SEAL - Confidential  
Hyundai Motor Company General Corporate Profile (HMMA 30b5000846-  
897)
- 32     Simcala Employee Evaluation (Dees V HMMA 00024 SUBPOENA DOCS)
- 33     FILED UNDER SEAL – Confidential  
Deposition of Mickey Phillips
- 34     FILED UNDER SEAL – Confidential  
Deposition of John Kalson

Respectfully submitted on this the 1<sup>st</sup> day of February, 2008.

/s/ Jeffrey R. Sport\_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I do hereby certify that I have, on the 1<sup>st</sup> day of February, 2008, electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Jeffrey R. Sport  
OF COUNSEL



## FREEDOM COURT REPORTING

Page 1

1 IN THE UNITED STATES DISTRICT COURT  
 2 FOR THE MIDDLE DISTRICT OF ALABAMA  
 3 NORTHERN DIVISION  
 4  
 5 CASE NUMBER: 2:07-cv-00306-MHT-CSC  
 6 JERRY LEON DEES, JR.,  
 7 Plaintiff,  
 8 vs.  
 9 HYUNDAI MOTOR MANUFACTURING  
 10 ALABAMA, LLC, and HYUNDAI  
 11 MOTOR AMERICA, INC.,  
 12 Defendants.  
 13 S T I P U L A T I O N  
 14 IT IS STIPULATED AND AGREED by and  
 15 between the parties through their respective  
 16 counsel, that the deposition of Jerry Leon  
 17 Dees, Jr., may be taken before Angela Smith  
 18 McGalliard, RPR, CRR, at the offices of  
 19 Freedom Court Reporting, at 416 S. Perry  
 20 Street, Montgomery, Alabama 36104, on the  
 21 20th day of November, 2007.  
 22  
 23 DEPOSITION OF JERRY LEON DEES, JR.

Page 2

1 IT IS FURTHER STIPULATED AND  
 2 AGREED that the signature to and the reading  
 3 of the deposition by the witness is waived,  
 4 the deposition to have the same force and  
 5 effect as if full compliance had been had  
 6 with all laws and rules of Court relating to  
 7 the taking of depositions.  
 8 IT IS FURTHER STIPULATED AND  
 9 AGREED that it shall not be necessary for  
 10 any objections to be made by counsel to any  
 11 questions except as to form or leading  
 12 questions, and that counsel for the parties  
 13 may make objections and assign grounds at  
 14 the time of the trial, or at the time said  
 15 deposition is offered in evidence, or prior  
 16 thereto.  
 17 IT IS FURTHER STIPULATED AND  
 18 AGREED that the notice of filing of the  
 19 deposition by the Commissioner is waived.

\*\*\*\*\*

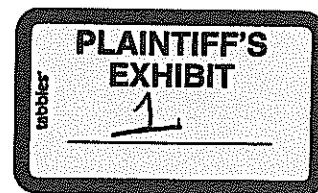
Page 3

1 \*\*\*\*\*  
 2 I N D E X  
 3 EXAMINATION  
 4 PAGE  
 5 By Mr. Johnson ..... 8  
 6 By Mr. Kilborn ..... 374  
 7 EXAMINATION CONTINUED  
 8 PAGE  
 9 By Mr. Johnson ..... 381  
 10 DEFENDANT'S EXHIBITS  
 11 PAGE  
 12 Exhibit 1 - Dees' resume ..... 39  
 13 Exhibit 2 - Handbook  
 14 acknowledgement ..... 72  
 15 Exhibit 3 - Complaint ..... 132  
 16 Exhibit 4 - E-mail re: Dees'  
 17 Guard duty ..... 166  
 18 Exhibit 5 - October 2006 letter  
 19 from Sgt. Barnes ..... 180  
 20 Exhibit 6 - Bates Dees v. HMMA  
 21 00035 ..... 258  
 22 Exhibit 7 - Team member review  
 23 meeting letter, Dees v.

Page 4

1 HMMA 1 ..... 265  
 2 Exhibit 8 - Yearly training  
 3 calendar, Bates Dees 3 .. 272  
 4 Exhibit 9 - Bates Dees 4,  
 5 training schedule ..... 274  
 6 Exhibit 10 - Cell phone records ... 283  
 7 Exhibit 11 - List of contents of  
 8 box ..... 301  
 9 Exhibit 12 - Dees v. HMMA 6 ..... 309  
 10 Exhibit 13 - Seven-page cell  
 11 phone record ..... 342  
 12 Exhibit 14 - More legible copy of  
 13 Exhibit 13 ..... 343  
 14 (Ex. 14, to be e-mailed by Plaintiff's  
 15 counsel, not recieved at the time of  
 16 production.)

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1 (Pages 1 to 4)

## FREEDOM COURT REPORTING

Page 5

1 IN THE UNITED STATES DISTRICT COURT  
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 3 NORTHERN DIVISION  
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 5 CASE NUMBER: 2:07-cv-00306-MHT-CSC  
 6 JERRY LEON DEES, JR.,  
 7 Plaintiff,  
 8 vs.  
 9 HYUNDAI MOTOR MANUFACTURING  
 10 ALABAMA, LLC, and HYUNDAI  
 11 MOTOR AMERICA, INC.,  
 12 Defendants.  
 13 BEFORE:  
 14 ANGELA SMITH MCGALLIARD, Commissioner.  
 15 APPEARANCES:  
 16 VINCENT KILBORN, ESQUIRE, of  
 17 KILBORN, ROEBUCK & MCDONALD, 1810 Old  
 18 Government Street, Mobile, Alabama 36606,  
 19 appearing on behalf of the Plaintiff.  
 20 JEFFREY R. SPORT, ESQUIRE, of  
 21 KILBORN, ROEBUCK & MCDONALD, 1810 Old  
 22 Government Street, Mobile, Alabama 36606,  
 23 appearing on behalf of the Plaintiff.

Page 6

1 APPEARANCES (continued):  
 2 MATTHEW K. JOHNSON, ESQUIRE, of  
 3 OGLETREE, DEAKINS, NASH, SMOAK & STEWART,  
 4 The Ogletree Building, 300 North Main  
 5 Street, Greenville, South Carolina 29602,  
 6 appearing on behalf of the Defendants.  
 7 CHRISTOPHER N. SMITH, ESQUIRE, of  
 8 HYUNDAI MOTOR MANUFACTURING ALABAMA, 700  
 9 Hyundai Boulevard, Montgomery, Alabama  
 10 36105, appearing on behalf of the  
 11 Defendants.  
 12 ALSO PRESENT: Katherine Dees  
 13 Bobby Hall  
 14 \* \* \* \* \*

Page 7

1 I, ANGELA SMITH MCGALLIARD, RPR,  
 2 CRR, a Court Reporter of Pike Road, Alabama,  
 3 acting as Commissioner, certify that on this  
 4 date, as provided by the Federal Rules of  
 5 Civil Procedure and the foregoing  
 6 stipulation of counsel, there came before me  
 7 at the offices of Freedom Court Reporting,  
 8 416 S. Perry Street, Montgomery, Alabama  
 9 36104, beginning at 9:10 a.m., Jerry Leon  
 10 Dees, Jr., witness in the above cause, for  
 11 oral examination, whereupon the following  
 12 proceedings were had:  
 13 JERRY LEON DEES, JR.,  
 14 being first duly sworn, was examined and  
 15 testified as follows:  
 16 MR. KILBORN: Court reporter,  
 17 can you keep the time for us?  
 18 COURT REPORTER: Certainly.  
 19 Usual stipulations?  
 20 MR. JOHNSON: I assume that  
 21 means the usual stipulations that we've got  
 22 in the guidelines --  
 23 MR. KILBORN: Witness waives

Page 8

1 the reading and signing and all objections  
 2 except as to the form are reserved until  
 3 trial.  
 4 MR. JOHNSON: Sounds fine with  
 5 me.  
 6 EXAMINATION  
 7 BY MR. JOHNSON:  
 8 Q. Okay, Mr. Dees, my name is  
 9 Matt Johnson. I practice law at Ogletree,  
 10 Deakins. And I'm here basically to ask you  
 11 some questions about yourself and about this  
 12 case, and what you know about this case, and  
 13 other people that might know about the case.  
 14 This may seem like a fairly  
 15 formal proceeding, but I'm sort of here to  
 16 have a conversation with you and just ask  
 17 you questions.  
 18 Let me tell you up front,  
 19 occasionally I'm thinking two or three  
 20 questions down the line; and for better or  
 21 for worse, sometimes I ask questions that  
 22 don't make sense, and I apologize. If I do  
 23 that, I want you to stop me, and let me know

## FREEDOM COURT REPORTING

Page 9

1 that. Don't be embarrassed. I'm fairly  
2 thick skinned; and if I don't make sense or  
3 my questions don't make sense, that's okay  
4 with me. You just let me know because I  
5 just want to make sure you're comfortable  
6 and that you're answering questions that you  
7 understand. Okay?

8 A. I'll do it.

9 Q. And the other thing, our court  
10 reporter here is typing up everything that  
11 we say. And she's probably got one of the  
12 harder jobs of any of us today, so we want  
13 to make her job as easy as we can. The best  
14 way to do that is to make sure we speak up  
15 loud and clear. Okay?

16 A. Roger.

17 Q. And if you can, Roger may  
18 work, assuming that means yes. But I'd  
19 prefer, and I'm sure our court reporter  
20 would prefer it if you could say yes or no.  
21 Is that okay?

22 A. Yes.

23 Q. Again, nods, shrugs of the

Page 11

1 Q. And you swear to tell the  
2 truth?

3 A. Whole truth, nothing but the  
4 truth, so help me God.

5 Q. Okay. And are you on any  
6 medication that would prohibit you from  
7 understanding me or my questions?

8 A. No, sir.

9 Q. Are you on any medication that  
10 would prohibit you from being able to answer  
11 truthfully and accurately?

12 A. I'm not on any type of  
13 medication.

14 Q. Thank you.

15 If you would give me your full  
16 name, including your middle name.

17 A. Jerry Leon Dees, Junior.

18 Q. Have you ever gone by any  
19 other names?

20 A. No, sir. Yeah. Staff  
21 sergeant.

22 Q. What's your date of birth?

23 A. 19 January '65.

Page 10

1 shoulders, things of that nature are  
2 difficult for her to write up, so make sure  
3 everything you want to get across to me or  
4 to her is in loud, clear, spoken English.  
5 Okay?

6 A. No problem.

7 Q. I appreciate it.

8 And this is not an endurance  
9 contest. It's probably going to take longer  
10 than you or I want it to, but that's just  
11 the way it goes, and I apologize in advance.  
12 What I want to make sure you understand is  
13 that you can take a break whenever you want  
14 to; you can try to get something to drink if  
15 we can find something; you can use the  
16 restroom; you can stand up and walk around  
17 as you'd like. Okay?

18 A. Yes, sir.

19 Q. Okay. Finally, I just want to  
20 make sure before we get started into the  
21 heart of things that you understand this is  
22 sworn testimony?

23 A. Yes.

Page 12

1 Q. Where were you born?

2 A. Clanton, Alabama.

3 Q. C-L-A-N-T-O-N?

4 A. Yes, sir.

5 Q. Where is that?

6 A. Chilton County.

7 Q. What's that near?

8 MR. SPORT: It's an hour north  
9 of here.

10 A. It's out in the middle of the  
11 woods.

12 (Off-the-Record discussion  
13 was held.)

14 Q. What's your current address?

15 A. 14805 U.S. Highway 82,  
16 Maplesville, Alabama 36750.

17 Q. And do you own a house -- Is  
18 that a house?

19 A. Yes, sir.

20 Q. Do you own it or rent it?

21 A. Well, the bank owns it right  
22 now. Give me about thirteen more years, and  
23 I might own it.

## FREEDOM COURT REPORTING

Page 13

1 Q. Do you have any secondary  
2 residences?  
3 A. Yeah. The armory one weekend  
4 a month.  
5 Q. And where do you work  
6 currently?  
7 A. International Paper,  
8 Prattville Mill.  
9 Q. What do you do at the  
10 Prattville mill?  
11 A. Millwright, maintenance.  
12 Q. How long have you been there?  
13 A. Few months.  
14 Q. Okay. Do you remember which  
15 month you started?  
16 A. Approximately four months ago.  
17 Q. Okay. And when you started  
18 there four months ago, were you doing  
19 millwright/maintenance?  
20 A. Yes, sir.  
21 Q. And prior to that, where did  
22 you work?  
23 A. BE&K Construction Company at

Page 14

1 that mill.  
2 Q. At the Prattville mill?  
3 A. Yes, sir.  
4 Q. What were you doing for BE&K?  
5 A. Millwright, millwright and  
6 welder.  
7 Q. Was that different than what  
8 you're doing now?  
9 A. Not really, no.  
10 Q. Prior to BE&K where was the  
11 last place you worked?  
12 A. Hyundai.  
13 Q. Do you remember what month you  
14 started work at BE&K?  
15 A. 27 February '07.  
16 Q. Okay. And who is your  
17 supervisor at the Prattville mill?  
18 A. Neil Causey.  
19 Q. Can you spell Causey?  
20 A. Causey, C-A-U-S-E-Y, I  
21 believe. I'm not sure.  
22 Q. Okay. What is his position at  
23 the mill?

Page 15

1 A. Maintenance supervisor.  
2 Q. Who is Neil Causey's boss?  
3 A. I have no idea.  
4 Q. Okay.  
5 A. I haven't been there in a  
6 month. I've been at an Army school for the  
7 last month, so I don't know.  
8 Q. Okay. What kind of Army  
9 school have you been at?  
10 A. BNCOC Phase II and III, Staff  
11 NCO Advanced Leadership School.  
12 Q. Now, one thing I want to ask  
13 you to do, both for my sake and for our  
14 court reporter's sake. I know throughout  
15 this deposition we're going to refer to a  
16 lot of Army terms, and say them slow or  
17 spell them or do whatever you can to make  
18 sure it gets on the Record clearly.  
19 A. It's B-N-C-O-C, Basic  
20 Noncommissioned Officers Course.  
21 Q. Okay. If you can, I know you  
22 guys use a lot of abbreviations and stuff,  
23 for purposes of this, if you could make sure

Page 16

1 and give us the full, plain spoken English.  
2 A. No acronyms?  
3 Q. Just define them before you  
4 start using them. Okay?  
5 A. All right.  
6 Q. Tell me, what is your Social  
7 Security number?  
8 A. 418-08-9640. Why?  
9 Q. You say why -- Why did I ask?  
10 A. Yes, sir.  
11 Q. Well, because I'm taking your  
12 deposition.  
13 And your driver's license  
14 number?  
15 A. 5068722.  
16 Q. Is that an Alabama license?  
17 A. Yes, sir.  
18 Q. Is it restricted in any way?  
19 A. Negative.  
20 Q. Okay. You don't wear glasses?  
21 A. No, sir.  
22 Q. And I'm assuming -- We have  
23 some other people here today, and I'm

4 (Pages 13 to 16)

## FREEDOM COURT REPORTING

Page 17

1 assuming one of them is your wife?  
 2 A. Yes, sir.  
 3 Q. Okay. And what is her name?  
 4 A. Katherine.  
 5 Q. Katherine with a K?  
 6 A. K-A-T-H-E-R-I-N-E, Yun, Y-U-N,  
 7 Dees.  
 8 Q. How long have y'all been  
 9 married?  
 10 A. Twenty-two years.  
 11 Q. And where is she from?  
 12 A. Seoul, Korea.  
 13 Q. And prior to Mrs. Dees that's  
 14 here with us today, have you ever been  
 15 married before?  
 16 A. No, sir.  
 17 Q. Do you and Mrs. Dees have any  
 18 children?  
 19 A. Two.  
 20 Q. What are their names?  
 21 A. Nakita Ann, N-A-K-I-T-A, Ann,  
 22 common spelling, Dees; Meagan, M-E-A-G-A-N,  
 23 Ruth, common spelling, Dees.

Page 18

1 Q. How old are Nakita Ann and  
 2 Meagan Ruth?  
 3 A. Twenty-one and sixteen --  
 4 seventeen. She just had a birthday.  
 5 Q. I assume those are the only  
 6 two children you have?  
 7 A. Roger. Yes, sir.  
 8 Q. Okay. Do you have other  
 9 relatives by blood or marriage that live in  
 10 Alabama?  
 11 A. A lot of them.  
 12 Q. You do?  
 13 A. Yes, sir.  
 14 Q. Tell me the names or towns  
 15 where they might live.  
 16 A. Oh, God.  
 17 Q. Let me explain why I'm asking.  
 18 At some point we may have to pick a jury in  
 19 this case, I don't want your cousin, aunt,  
 20 or uncle sitting on the jury.  
 21 A. You're probably out then.  
 22 I've got relatives all over the state, all  
 23 the way up to South Carolina, Fort Bragg,

Page 19

1 all the way out to California.  
 2 Q. I'm only interested in the  
 3 ones in Alabama.  
 4 A. Well, I don't know.  
 5 Q. You can give me their last  
 6 names, can't you?  
 7 A. Yeah. Dees, Mobley,  
 8 Patterson, Bates, Peek. Heck I could go on  
 9 all day. I don't know.  
 10 Q. How do you spell Peek?  
 11 A. P-E-E-K.  
 12 Q. I'm assuming this jury will be  
 13 drawn from people that live somewhere in  
 14 proximity to Montgomery. Do most of your  
 15 relatives live in and around Montgomery?  
 16 A. I have some in Montgomery but  
 17 not most of them, no. Like I said, they're  
 18 scattered throughout the state.  
 19 Q. The ones that live in  
 20 Montgomery, can you give me the names of  
 21 some of the ones that live in or around  
 22 Montgomery. By the way, I need you to  
 23 answer.

Page 20

1 A. I'm trying -- She knows more  
 2 of my family than I do. I grew up in  
 3 Alabama, but all I do is work.  
 4 MR. KILBORN: You can't talk  
 5 to Katherine. He just wants to know what  
 6 you know.  
 7 A. Distant cousins, no, I don't  
 8 know them.  
 9 Q. I'm assuming you're a U.S.  
 10 citizen?  
 11 A. Yes, sir.  
 12 Q. Did you graduate from high  
 13 school?  
 14 A. Clay County High School,  
 15 Ashland, Alabama.  
 16 Q. And when did you graduate?  
 17 A. May '83.  
 18 Q. And did you go to college?  
 19 A. Some college.  
 20 Q. Where?  
 21 A. Didn't graduate. Through the  
 22 military, University of Maryland, Wallace  
 23 Community College in Selma, and J.P. Tech.

5 (Pages 17 to 20)



## FREEDOM COURT REPORTING

Page 21

1 Q. J.P. Tech?  
 2 A. Yeah. It's Faulkner now, I  
 3 believe.  
 4 Q. Say that again.  
 5 A. They changed the name to  
 6 Faulkner.  
 7 Q. Faulkner Tech?  
 8 A. I'm not sure what it is. It  
 9 was John Patterson Technical College when I  
 10 went there.  
 11 Q. Okay. You mentioned one in  
 12 between the military University of Maryland  
 13 and J.P. Tech, what was that?  
 14 A. Wallace Community College,  
 15 Selma.  
 16 Q. And you did not get a degree  
 17 from any of those three institutions?  
 18 A. No, sir.  
 19 Q. And what did you study at the  
 20 military University of Maryland?  
 21 A. It wasn't military. It was  
 22 the University of Maryland, when I was in  
 23 the military.

Page 22

1 Q. Got it.  
 2 A. Just core, basics, science,  
 3 English, math.  
 4 Q. And at J.P. Tech or Faulkner?  
 5 A. Maintenance program.  
 6 Q. How much time did you spend at  
 7 the University of Maryland?  
 8 A. I don't know. Depends on how  
 9 often I was deployed. I don't know, maybe a  
 10 year. I don't know. I mean, it was off and  
 11 on. It wasn't on a campus. Military brings  
 12 instructors in to the bases and the posts,  
 13 and you'll meet at a building there. And I  
 14 had a certified college instructor, and  
 15 that's where you had the classes. I was  
 16 never on the campus, except for J.P. Tech  
 17 and Wallace.  
 18 Q. What kind of maintenance did  
 19 you study at J.P. Tech?  
 20 A. Hydraulics, pneumatics,  
 21 electrical, blueprint reading, basic  
 22 maintenance technician studies.  
 23 Q. Okay. What about --

Page 23

1 A. Wallace was welding.  
 2 Q. In welding, can you get some  
 3 sort of certification for that?  
 4 A. Yes, sir, if you stay there  
 5 the whole two years.  
 6 Q. All right.  
 7 A. I had a family to feed, I  
 8 couldn't afford to stay there the whole two  
 9 years.  
 10 Q. So you did not become  
 11 certified?  
 12 A. No, sir.  
 13 Q. And you're doing some welding  
 14 now at the Prattville mill?  
 15 A. When it -- When it arises,  
 16 yes, sir.  
 17 Q. Okay. Is that something that  
 18 you would need to be certified for?  
 19 A. I got certified through one of  
 20 the companies I worked for. But as far as  
 21 actual certification, unless you're welding  
 22 on a boiler, or any type of military  
 23 equipment, stuff like that, no, you don't --

Page 24

1 If it's a pressurized vessel, you need a  
 2 certification; if it's not pressurized or  
 3 done to code -- some code you can get by  
 4 welding without a certification, like on  
 5 water tanks and stuff, you just have be able  
 6 to pass X-rays.  
 7 Q. Okay. But now you're  
 8 certified?  
 9 A. Well, I don't know if it is  
 10 still current or not to be honest. It was  
 11 before I went to work for Hyundai.  
 12 Q. Who were you working with?  
 13 A. Sim-Cala.  
 14 Q. Sim-Cala. Other than the  
 15 schooling you got at University of Maryland,  
 16 J.P. Tech, Wallace Community College in  
 17 Selma, have you attended any other classes  
 18 or seminars since you got out of high  
 19 school?  
 20 A. Just the classes that  
 21 International Paper sent all their  
 22 maintenance people to.  
 23 Q. Okay. What was that?

6 (Pages 21 to 24)

## FREEDOM COURT REPORTING

Page 25

1 A. Well, I mean, same thing. We  
 2 got precision skilled craftsman classes,  
 3 it's a forty- or eighty-hour class, I can't  
 4 remember. Same thing, hydraulic classes,  
 5 welding classes.  
 6 Q. And did IP pay for that?  
 7 A. Yes.  
 8 Q. And did they pay you for your  
 9 time away from work or how did that work?  
 10 A. Instead of going to work, we  
 11 went to the schools.  
 12 Q. You got paid for the time?  
 13 A. Yes, sir.  
 14 Q. And how many hours was that?  
 15 A. Altogether at different  
 16 schools, I have no idea. I mean, skilled  
 17 craftsman class was just one school. We  
 18 went to the same thing just like J.P. Tech,  
 19 blueprint reading classes, hydraulics. It  
 20 could go anywhere from a day to two or three  
 21 weeks, depending on what class it was. That  
 22 was several years back.  
 23 Q. That was at -- I think you

Page 26

1 worked at International Paper before you  
 2 came to Hyundai?  
 3 A. Yes, sir.  
 4 Q. Okay. Let's go back and talk  
 5 about your employment history before  
 6 Hyundai. Do you remember when you started  
 7 with Hyundai?  
 8 A. It was either 19 or 21  
 9 November '05.  
 10 Q. All right. Let's walk  
 11 backwards. Where were you working until  
 12 November of '05?  
 13 A. International Paper, Thorsby.  
 14 Q. I'm sorry?  
 15 A. I was at a different mill than  
 16 I am now. I was at the Thorsby mill.  
 17 Q. How do you spell Thorsby?  
 18 A. T-H-O-R-S-B-Y.  
 19 Q. How long were you at the  
 20 Thorsby mill?  
 21 A. Six years.  
 22 Q. Do you remember -- So you  
 23 would have started in '99?

Page 27

1 A. I believe so.  
 2 Q. And during the time period  
 3 that you were at the Thorsby mill, what did  
 4 you do?  
 5 A. I started out as just a  
 6 regular maintenance man. And when I left, I  
 7 was a maintenance leadman.  
 8 Q. And what does a maintenance  
 9 leadman do?  
 10 A. Schedules the work for all the  
 11 other shifts, for the -- all four  
 12 maintenance shifts we had; I was in charge  
 13 of the major projects; I basically handled  
 14 everything while the supervisor just took  
 15 care of all the paperwork.  
 16 Q. Okay.  
 17 A. All the major calls, I'd  
 18 respond to the major breakdowns, decide what  
 19 action we was going to take, let the  
 20 supervisor know what was going on, and go  
 21 from there.  
 22 Q. Was that similar to what you  
 23 were doing at Hyundai?

Page 28

1 A. No, sir.  
 2 Q. Okay. How was it different?  
 3 A. At Hyundai I was just a  
 4 regular maintenance technician.  
 5 Q. You said you had done regular  
 6 maintenance at the Thorsby mill also?  
 7 A. Yes, sir.  
 8 Q. Was what you were doing at the  
 9 Thorsby mill consistent with what you were  
 10 doing at Hyundai?  
 11 A. Yes, sir.  
 12 Q. Tell me what you were doing at  
 13 the Thorsby mill as a regular maintenance  
 14 person?  
 15 A. Same thing, answer calls; work  
 16 orders that came down, I'd handle them;  
 17 breakdowns; break-ins; welding; hydraulics;  
 18 pneumatics; electrical; just regular  
 19 maintenance work.  
 20 Q. But what you were doing at the  
 21 Thorsby mill was essentially the same as  
 22 what you were later doing at Hyundai?  
 23 A. Yes, sir. Basically.

7 (Pages 25 to 28)

## FREEDOM COURT REPORTING

Page 29

1 Q. How much were you getting paid  
2 at Thorsby mill for maintenance?

3 A. Fifteen -- No. I topped out  
4 -- I went to the pay for skills program, it  
5 was eighteen something.

6 Q. Per hour?

7 A. Yes, sir. I started out at  
8 fifteen, and topped out at eighteen  
9 something.

10 Q. And what about as a  
11 maintenance leadman?

12 A. Twenty dollars, little over  
13 twenty dollars.

14 Q. How long did you work as a  
15 maintenance leadman?

16 A. Approximately three years, I  
17 believe. I think. I'm not sure.

18 Q. Okay. Who -- As a -- When you  
19 were a regular maintenance tech, who was  
20 your supervisor?

21 A. John Allen.

22 Q. Allen?

23 A. A-L-L-E-N.

Page 31

1 to have, better benefits. Had better  
2 benefits there than any place I've ever had,  
3 even in the military.

4 Q. Okay.

5 A. Better pay. Like I say, that  
6 was the job to have.

7 Q. When you say job to have, you  
8 mean generally in the community, or just for  
9 you personally?

10 A. No. Everywhere around where I  
11 lived, it was either Mercedes or Hyundai,  
12 everybody was wanting to go to one of the  
13 two.

14 Q. Okay.

15 A. They both had outstanding  
16 benefits, the work conditions weren't near  
17 as rigorous as what we had. It was in a  
18 controlled environment, air conditioned in  
19 the summer, heated in the winter. And pay,  
20 pay was a lot better than any wood yard you  
21 were going to work on.

22 Q. Okay. Did you know anybody  
23 that was working for Hyundai before you went

Page 30

1 Q. And when you were a  
2 maintenance leadman, who was your  
3 supervisor?

4 A. John Allen.

5 Q. What was his role?

6 A. He was a maintenance  
7 supervisor on the old part of the mill.  
8 There was two parts to the mill, we had an  
9 old part and a new part, and he had  
10 everything on the old side.

11 Q. Okay. And how much -- When  
12 you started at Hyundai, what were you making  
13 per hour?

14 A. Nineteen fifty-six.

15 Q. What were you making when you  
16 left?

17 A. Twenty-three thirty-five.

18 Q. And what were the  
19 circumstances of you leaving the Thorsby  
20 mill? Why did you leave?

21 A. Go to work for Hyundai.

22 Q. Okay.

23 A. That was a -- That was the job

Page 32

1 to work there?

2 A. Yes, sir. A couple of  
3 production people from the mill I worked at  
4 had gotten jobs down there in production.

5 Q. Who was that?

6 A. Lamar Powell; I can't remember  
7 Mike's last name. Mike somebody, I can't  
8 remember his last name. And another guy we  
9 called him Scooby, I don't know his real  
10 name.

11 Q. Okay. Scooby?

12 A. Yes, sir.

13 Q. Okay. Did you talk to Lamar  
14 Powell or Mike or Scooby about coming to  
15 work for Hyundai before you came?

16 A. No, sir. When we left the  
17 plant -- They probably left the plant six  
18 months before I got hired on there. The  
19 hours they were working, nobody talked to  
20 them.

21 Q. Okay. They were working --

22 A. Long hours.

23 Q. Okay. What -- Once you came

8 (Pages 29 to 32)



## FREEDOM COURT REPORTING

Page 33

1 to work for Hyundai, did you talk to Lamar  
 2 Powell or Mike or Scooby?  
 3 A. Scooby, no. Lamar and Mike, a  
 4 couple of times.  
 5 Q. Okay. Did you talk to them  
 6 about your military career or uniformed  
 7 service or anything like that as --  
 8 A. They asked was I going back to  
 9 Iraq any time soon, and I told them I didn't  
 10 know.  
 11 Q. Okay. Anything else y'all  
 12 talked about in terms of your military  
 13 career?  
 14 A. Asked me was I still in, yeah.  
 15 Q. I assume they were not members  
 16 of the Guard?  
 17 A. No, sir.  
 18 Q. Did you talk to them about  
 19 Greg Prater at all?  
 20 A. No, sir.  
 21 Q. Did you talk to them about  
 22 Kevin Hughes at all?  
 23 A. No, sir.

Page 34

1 Q. Did you talk to them about  
 2 John Applegate at all?  
 3 A. I don't think so.  
 4 Q. Okay.  
 5 A. I'd see them -- They worked  
 6 production, they was on the line. You may  
 7 get to talk to them a minute at the most,  
 8 because they don't stop the line. Because  
 9 if the line stops, it ain't good.  
 10 Q. Okay. And going back to your  
 11 employment history, let's talk about your  
 12 work prior to going to IP at the Thorsby  
 13 mill. Where did you work before that?  
 14 A. Sim-Cala.  
 15 Q. And what did you do at  
 16 Sim-Cala?  
 17 A. Maintenance.  
 18 Q. And when you say maintenance,  
 19 were you doing basically the same thing you  
 20 were doing as a regular maintenance person  
 21 at the IP Thorsby mill?  
 22 A. Yes and no. It was a foundry.  
 23 Q. And what were you doing there?

Page 35

1 A. At the foundry?  
 2 Q. Uh-huh.  
 3 A. Maintenance. It was more  
 4 welding than anything.  
 5 Q. Okay. And give me your dates  
 6 of employment at Sim-Cala.  
 7 A. I don't know. I mean, I don't  
 8 know. That was years ago.  
 9 Q. Okay.  
 10 A. I don't know.  
 11 Q. Okay. Do you remember who  
 12 your supervisor was?  
 13 A. Huh-uh. I can't remember his  
 14 name. He was a short fellow. I can't  
 15 remember his name.  
 16 Q. Okay. Did you have any sort  
 17 of on-the-job training with Sim-Cala?  
 18 A. Yeah. They're the ones that  
 19 sent me to J.P. Tech. You had to go to J.P.  
 20 Tech. And, no, I wasn't paid.  
 21 Q. Did they send you at night?  
 22 A. Yes, sir. I had to complete  
 23 my ten-hour work shift, then go to school.

Page 36

1 Q. Okay. And what was the reason  
 2 for the termination of the position at  
 3 Sim-Cala?  
 4 A. Wasn't termination. I quit --  
 5 left there to go to International Paper.  
 6 Q. Why?  
 7 A. Better pay. I mean, make a  
 8 better living for my family.  
 9 Q. Anything other than better  
 10 pay?  
 11 A. Yeah. We didn't have good  
 12 insurance. I mean, that was -- Sim-Cala was  
 13 a rough job. I mean, it was a rough job.  
 14 Even in the winter time, it was a  
 15 hundred-some-odd degrees in the plant.  
 16 Don't nobody want to work there.  
 17 Q. Okay. Is it still in  
 18 business?  
 19 A. I have no idea.  
 20 Q. Where was Sim-Cala?  
 21 A. Off the Mt. Meigs exit here in  
 22 Montgomery.  
 23 Q. Mt. Meigs?

9 (Pages 33 to 36)

## FREEDOM COURT REPORTING

Page 37

1 A. Uh-huh.  
 2 Q. And prior to Sim-Cala, where  
 3 did you work?  
 4 A. Miller Mechanical. It is a  
 5 company out of New York.  
 6 Q. What did you do for them?  
 7 A. Worked shutdowns in paper  
 8 mills.  
 9 Q. So you traveled for that?  
 10 A. Yes, sir.  
 11 Q. Were you married then?  
 12 A. Yes, sir.  
 13 Q. Imagine that was rough?  
 14 A. Yes, sir.  
 15 Q. How long were you with them?  
 16 A. Several years.  
 17 Q. Do you remember what years?  
 18 A. No, sir. To be honest, no.  
 19 Q. And what -- you say you did --  
 20 you traveled and did shutdowns for Miller  
 21 Mechanical?  
 22 A. Yeah.  
 23 Q. Tell me what that involved.

Page 38

1 A. We worked in the pulp  
 2 divisions. We did everything from changing  
 3 out motors, pumps, welding in the digesters,  
 4 changing screens out. Anything to do in the  
 5 pulp division, we did it.  
 6 Q. Okay. And prior to Miller  
 7 Mechanical, do you remember where you  
 8 worked?  
 9 A. I think it was just military  
 10 there.  
 11 Q. Just in the military?  
 12 A. Yes, sir.  
 13 Q. Okay. Mr. Dees, let me give  
 14 you what we have been provided by your  
 15 attorneys. I'm assuming this is your  
 16 resume?  
 17 A. Yes, sir.  
 18 Q. If you see down at the bottom  
 19 it says Dees V. HMMA 00013.  
 20 MR. KILBORN: Do you want to  
 21 go ahead and mark it.  
 22 MR. JOHNSON: Yeah, let's go  
 23 ahead and mark it.

Page 39

1 (Whereupon, Defendant's  
 2 Exhibit No. 1 was marked  
 3 for identification.)  
 4 (Off-the-Record discussion  
 5 was held.)  
 6 Q. Mr. Dees, what we've marked as  
 7 Exhibit 1 to your deposition, you agree  
 8 that's your resume?  
 9 A. Starting at the top?  
 10 Q. Sure.  
 11 A. All right. Projective,  
 12 employment with Hyundai Corporations --  
 13 Q. No. No. No. You don't have  
 14 to read it. Just look at it and tell me if  
 15 that is what it looks like.  
 16 A. Yes, sir.  
 17 Q. That was your resume?  
 18 A. Yes, sir.  
 19 Q. And to your knowledge, was  
 20 that the one that you submitted to Hyundai  
 21 when you applied?  
 22 A. Yes, sir.  
 23 Q. Okay. That's all I've got to

Page 40

1 ask on that one.  
 2 All right. Mr. Dees, let's  
 3 talk a little bit about your background in  
 4 the military. I think you said your  
 5 employment prior to Miller Mechanical was  
 6 basically in the military. So let's take  
 7 it, I guess, from the bottom. You got out  
 8 of high school and went in the military?  
 9 A. No, sir. I went to basic  
 10 training before I ever graduated. Army  
 11 Basic Training, Fort McClellan, Alabama.  
 12 Q. Okay. And when did you do  
 13 basic?  
 14 A. Summer of '82. Between my  
 15 junior and senior year of high school.  
 16 Q. Okay. And is Fort McClellan,  
 17 is that an Army base?  
 18 A. Yes, sir.  
 19 Q. And so then you did basic  
 20 training in the summer and then went back  
 21 and finished high school?  
 22 A. Yes, sir.  
 23 Q. Okay. Then when you got out

10 (Pages 37 to 40)

## FREEDOM COURT REPORTING

Page 41

1 of high school, did you go back into the  
2 Army?

3 A. No, sir. I went to basic  
4 training for the Army National Guard.

5 Q. That's what you did in the  
6 summer of '82?

7 A. Yes, sir.

8 Q. Okay. Well, talk me through  
9 your military career, starting the summer of  
10 '82.

11 A. Summer of '82, basic training,  
12 Fort McClellan, Alabama.

13 Q. Okay.

14 A. Summer of '83, Lackland Air  
15 Force Base. Left the guard, went to the Air  
16 Force. Army wouldn't let me be an MP and  
17 that's what I wanted to do, that or  
18 infantry, and they wouldn't let me go either  
19 one so I went to the Air Force. Went to the  
20 Air Force as an MP school.

21 Q. Okay. When did you do that?

22 A. '83.

23 Q. All right. Did you have to do

Page 43

1 Q. Okay.

2 A. M-60 machine gun nonspecialist  
3 school, then M-60 machine gun specialist,  
4 that was another four weeks.

5 Q. The machine gun nonspecialist  
6 school?

7 A. Was two weeks. And the  
8 specialist school was two weeks. Four weeks  
9 to be a machine gunner.

10 Q. Where was this school?

11 A. Camp Bullis.

12 Q. And the specialist school was  
13 also at Bullis?

14 A. Camp Bullis.

15 Q. And that took four weeks?

16 A. Four weeks for the total of  
17 both of them, two weeks apiece.

18 Q. Then after you completed the  
19 machine gun specialist school, what did you  
20 do?

21 A. Went to Lackland Air Force  
22 Base, Florida.

23 Q. What did you do there?

Page 42

1 basic training for the Air Force too?

2 A. No, sir. I'd have probably  
3 got kicked out, probably.

4 Q. Why is that?

5 A. I can't fold clothes in  
6 sixteen squares.

7 Q. Okay. So you did the MP  
8 school in '83?

9 A. Yes, sir.

10 Q. Okay. How long did that take?

11 A. Eight weeks, I believe.

12 Q. What did you do after that  
13 eight weeks?

14 A. Ground combat skills training.

15 Q. Where?

16 A. Camp Bullis, Texas.

17 Q. How do you spell that?

18 A. C-A-M-P B-U-L-L-I-S.

19 Q. How long did ground combat  
20 skills training take?

21 A. I don't know. Around eight  
22 weeks, I think. Six, eight weeks, I don't  
23 know.

Page 44

1 A. Went to school a lot, stayed  
2 in the woods a lot; got certified on a  
3 radar, Intoxilizer, Breathalyzer; a lot of  
4 exercises, deployment exercises in the  
5 woods; and I worked a lot of gates.

6 Q. All right. When you say you  
7 were in school, I assume that was learning  
8 stuff like how to operate radar, how to  
9 operate Breathalyzer?

10 A. Competitions. I shot  
11 competitions for the Air Force. Combat  
12 competitions, peace keeper challenge.

13 Q. Okay. And when you say you  
14 were in the woods a lot, I assume that was  
15 all training?

16 A. Yes, sir.

17 Q. Okay. What kind of training  
18 were you doing?

19 A. Ground combat skills.

20 Q. Okay.

21 A. I had some -- I had prior Army  
22 training, and the Air Force don't really  
23 have a lot of combat training so they

## FREEDOM COURT REPORTING

Page 45

1 utilize on the other branches, Army and  
2 Marine Corps combat courses. So that's why  
3 I got stuck back in the woods.

4 Q. When you say you worked a lot  
5 of gates, does that mean doing security at  
6 gates?

7 A. Yes, sir.

8 Q. I assume that's because you  
9 were an MP?

10 A. Yes, sir.

11 Q. And technically were -- At  
12 what point did you become an MP, when you  
13 finished MP school in '83?

14 A. Yes, sir.

15 Q. All this other stuff, the  
16 ground combat skills training, machine gun  
17 training, that was all to sort of further  
18 your education as an MP?

19 A. Not really.

20 Q. Okay.

21 A. Air Force is responsible for  
22 their own perimeter security, in the States  
23 and overseas. And being as I had prior Army

Page 46

1 service, that's where I got stuck.

2 Q. Why is that?

3 A. Because they thought I was a  
4 grunt, so I went back to being a grunt.

5 Q. Okay. And how long were you  
6 at Lackland?

7 A. Approximately a year I  
8 believe.

9 Q. What year was that? Was that  
10 in '83 or '84 or both?

11 A. '84 to '85, I believe.

12 February of '84 to maybe February of '85,  
13 January of '85. I don't know.

14 Q. After Lackland, where did you  
15 go?

16 A. Korea.

17 Q. How long were you in Korea?

18 A. Twelve months.

19 Q. 1985 through '86?

20 A. February of '85 to February of  
21 '86.

22 Q. What did you do in Korea?

23 A. I was on the SWAT team there.

Page 47

1 I did a lot of SWAT recalls, worked town  
2 patrol some, team spirit, got stuck in the  
3 woods a lot, again. And that was it.

4 Q. What are SWAT recalls?

5 A. SWAT team. I was on the  
6 military SWAT team. They call it a special  
7 reaction team, SRT. That's their version of  
8 the SWAT team.

9 Q. And what did you do?

10 A. I was an entry man, first one  
11 in the door.

12 Q. That would be like if there  
13 was a hostage or crisis --

14 A. Hostage situation, bank  
15 robbery, anything you call a civilian SWAT  
16 team for, that's what we was for.

17 Q. Okay. And town patrol, is  
18 that what it sounds like?

19 A. Yes, sir.

20 Q. I assume you just made sure  
21 that other members of the military weren't  
22 causing trouble, things like that?

23 A. You worked strictly at night

Page 48

1 patrolling local towns, walking through the  
2 bars, off-limits areas, make sure the GIs  
3 wasn't in the off-limits areas, things of  
4 that nature.

5 Q. And you say you got stuck in  
6 the woods some more, what were you doing,  
7 training?

8 A. Team spirit exercises and  
9 training exercises.

10 Q. What are team spirit  
11 exercises?

12 A. There was a big military  
13 buildup in Korea around every February or  
14 March to show military strength without  
15 all-out war.

16 Q. Okay. And that was the team  
17 spirit exercise?

18 A. Yes, sir.

19 Q. Okay. What else did you do  
20 while you were in Korea?

21 A. Got married.

22 Q. I guess that's a big deal?

23 A. Yes, sir.

12 (Pages 45 to 48)

## FREEDOM COURT REPORTING

Page 49

1 Q. When did you get married?  
 2 A. 28 June '85.  
 3 Q. My wife would be happy if I  
 4 could reel off those dates as quick as you  
 5 do.  
 6 Did y'all get married actually  
 7 in Korea?  
 8 A. Yes, sir.  
 9 Q. Anything else that you did  
 10 while you were in Korea?  
 11 A. No. I don't know. That was  
 12 years ago. Maybe, maybe not. I don't know.  
 13 I don't remember.  
 14 Q. All right. You came back to  
 15 the states in '86?  
 16 A. Yes, sir. Fort Lewis,  
 17 Washington.  
 18 Q. Fort Lewis?  
 19 A. Yes. Tacoma, Washington.  
 20 Q. That's an Air Force base?  
 21 A. That's an Army post.  
 22 Q. How did you get put on an Army  
 23 post?

Page 50

1 A. Being an MP.  
 2 Q. Okay. Did you serve as an MP  
 3 at Fort Lewis?  
 4 A. Yes, sir.  
 5 Q. How long?  
 6 A. Was on a SWAT team three  
 7 years. Was on their SWAT team, completed  
 8 Washington State SWAT School, their state  
 9 certified school.  
 10 Q. Those three years were 1986  
 11 through when?  
 12 A. '89.  
 13 Q. '89?  
 14 A. March of '86 through May or  
 15 June of '89.  
 16 Q. Okay.  
 17 A. Germany.  
 18 Q. You went to Germany after Fort  
 19 Lewis?  
 20 A. Yes, sir.  
 21 Q. Where in Germany?  
 22 A. Bitburg Air Base,  
 23 B-I-T-B-U-R-G.

Page 51

1 Q. How long were you at Bitburg?  
 2 A. Three, three and a half years.  
 3 I don't know.  
 4 Q. I assume your wife was  
 5 traveling with you at Fort Lewis and  
 6 Bitburg?  
 7 A. Yes, sir.  
 8 Q. And had y'all had any kids by  
 9 the time --  
 10 A. My oldest daughter was born on  
 11 Fort Lewis, Madigan Army Medical Center.  
 12 Q. How do you spell Madigan?  
 13 A. M-A-D-I-G-A-N. And my  
 14 youngest daughter was born in Germany.  
 15 Q. Okay. And when did you leave  
 16 Bitburg?  
 17 A. August '92. August, September  
 18 '92, I'm not sure.  
 19 Q. Now, around that time was  
 20 during, I guess, the first Gulf War?  
 21 A. Yes, sir.  
 22 Q. Were you deployed over in the  
 23 Middle East during that period?

Page 52

1 A. Yes, sir. Desert Storm.  
 2 Desert Shield and Desert Storm. I was there  
 3 for both phases.  
 4 Q. What were you doing during  
 5 Desert Storm?  
 6 A. Combat patrols.  
 7 Q. What did that involve?  
 8 A. Security patrols, recons,  
 9 raids, ambushes, just basic combat patrol.  
 10 Q. Where were you?  
 11 A. Turkey, northern Iraqi border.  
 12 We traveled from -- what's the name of that  
 13 Air Force base? We traveled from some Air  
 14 Force base over the Turkish border, did  
 15 patrols and back. I don't remember the name  
 16 of the base.  
 17 Q. Okay. What about -- Were you  
 18 anywhere else during Desert Storm?  
 19 A. No, sir.  
 20 Q. Okay. What about during  
 21 Desert Shield, what were you doing?  
 22 A. Same thing. It all rolled one  
 23 into the other.

13 (Pages 49 to 52)

## FREEDOM COURT REPORTING

Page 53

1 Q. Same place?  
 2 A. Only thing that changed for us  
 3 was the name.  
 4 Q. Okay. How long were you over  
 5 in the Middle East?  
 6 A. Little over three months.  
 7 Three months, I don't know. It wasn't long.  
 8 Air Force deploys three months. They're not  
 9 like the Army.  
 10 Q. Okay. And then I assume you  
 11 came back to Bitburg?  
 12 A. Yes, sir.  
 13 Q. Okay. And then after Bitburg,  
 14 where did you go?  
 15 A. Got out.  
 16 Q. Got out of the Air Force?  
 17 A. Yes, sir.  
 18 Q. All right.  
 19 A. Stayed out for a while and  
 20 joined the National Guard.  
 21 Q. Do you remember when you --  
 22 when you got out of the Air Force?  
 23 A. 30 November '92. Nine years,

Page 54

1 seven months, six days.  
 2 Q. Okay. Now, did you get any  
 3 sort of retirement from the military?  
 4 A. No, sir. I didn't -- I only  
 5 did -- I didn't do twenty years.  
 6 Q. Okay.  
 7 A. That's why I joined the  
 8 National Guard, finish it up and get my  
 9 retirement.  
 10 Q. Okay. When did you join the  
 11 National Guard?  
 12 A. I don't know. '93 or '94, I  
 13 don't know.  
 14 Q. When you -- When you left  
 15 Bitburg and got out of the Air Force, did  
 16 you come back to Alabama?  
 17 A. Yes, sir.  
 18 Q. And is that when you started  
 19 working with Miller Mechanical?  
 20 A. Yes, sir. After -- Well, I  
 21 signed up, took some welding classes first,  
 22 and then went to work for Miller Mechanical.  
 23 Q. Where did you take your

Page 55

1 welding classes?  
 2 A. Wallace.  
 3 Q. Wallace. And you say it was a  
 4 couple of months before you joined the  
 5 National Guard?  
 6 A. I don't know. May have been a  
 7 year. I don't know.  
 8 Q. Okay.  
 9 A. I don't know.  
 10 Q. And you joined the Alabama  
 11 Army National Guard?  
 12 A. Yes, sir. 2nd of the 117th  
 13 Field Artillery Battery.  
 14 Q. And are you in a different  
 15 unit now?  
 16 A. Yes, sir.  
 17 Q. Okay.  
 18 A. March 14th of '03 I was  
 19 involuntary transferred and extended to the  
 20 1165th MP Company. Deployed March 15th,  
 21 sent to Iraq for seems like forever; kept  
 22 getting extended, kept getting extended, I  
 23 had three extensions; then came back. I

Page 56

1 stayed with that company.  
 2 Q. Okay. How long were you in  
 3 Iraq during that time?  
 4 A. Seventeen, eighteen months. I  
 5 don't know.  
 6 Q. When did you return? I assume  
 7 it was in 2004?  
 8 A. Oh, it was in 2004. Late  
 9 2004. I think it was around August.  
 10 Q. Okay. And what did the -- You  
 11 said you were in the 117th Field Artillery  
 12 Battery, what was their -- what were they  
 13 there for? What did they do?  
 14 A. It was field artillery unit.  
 15 I was 13 Echo. It's called fire directional  
 16 specialist.  
 17 Q. Which means what?  
 18 A. Which means I -- The forward  
 19 observer sends me coordinates of where he  
 20 wants the rounds to go from the guns.  
 21 Q. Okay.  
 22 A. I take the wind velocity, the  
 23 -- The forward observer is looking at it,

14 (Pages 53 to 56)



## FREEDOM COURT REPORTING

Page 57

1 the view, from where the guns would be  
 2 looking at it; I plot everything on a map,  
 3 and I send the message to the guns, fire  
 4 mission, get ready to fire, I tell them what  
 5 to fire, how to fire it, when to fire it, at  
 6 what elevation, and what angle.  
 7 Q. What kind of guns are you  
 8 talking about?  
 9 A. 105 Howitzers.  
 10 Q. Okay. And was that -- Were  
 11 you pretty narrowly focused with the 117th?  
 12 A. Yes, sir.  
 13 Q. Okay.  
 14 A. What do you mean was I --  
 15 Q. I mean, was that what you did?  
 16 Did you do anything else?  
 17 A. No, sir. Well, they changed  
 18 to a chemical company and I didn't -- I  
 19 don't like chemicals.  
 20 Q. When did they change to a  
 21 chemical company, after you had gone to  
 22 Iraq?  
 23 A. No, sir. A few months before

Page 58

1 I left. I don't remember.  
 2 Q. Okay. And when you say you  
 3 were involuntary transferred in March of  
 4 2003, how did that happen?  
 5 A. They called me up, told me to  
 6 pack my bags, I was leaving the next day and  
 7 go, and I did.  
 8 I'm a soldier, I go where I'm  
 9 told to go, and fight where I'm told to  
 10 fight.  
 11 DET 1, 1165th, Detachment 1.  
 12 Q. Okay. What is the 1165th?  
 13 A. Combat MP company.  
 14 Q. Now, was that more consistent  
 15 with what you had done over in Korea and  
 16 with your prior training?  
 17 A. Yes, sir. That's the reason I  
 18 got pulled. The state went through the  
 19 records, they didn't have enough people to  
 20 deploy, so I got pulled and sent with them.  
 21 Q. Okay. Tell me what you did  
 22 when you got to Iraq.  
 23 A. Besides trying to stay alive?

Page 59

1 Q. I'm assuming you did that.  
 2 A. We conducted patrols to our  
 3 assigned sector of town, Baghdad at first.  
 4 My responsibility was the southeast side of  
 5 Baghdad. Pretty good sector. I had a  
 6 police station called Billot Police Station.  
 7 We was training Iraqi police, and helped  
 8 them set up their force protection, teach  
 9 them how to patrol, teach them how to  
 10 policeman. At the same time we had to  
 11 conduct dismounted and mounted patrols of  
 12 the area, IED sweeps, raids, ambushes.  
 13 Basically you've got an MP on one side of  
 14 the fence, infantry on other side of the  
 15 fence, you combine them and you throw them  
 16 in.  
 17 We got in all-out ambushes so  
 18 bad that I had drivers thrown out of the  
 19 vehicles, men dying. Went from there to a  
 20 town we called Little Fallujah, the name of  
 21 it was Latifiyah, thirty-five miles south of  
 22 Baghdad; we took it over from the Marine  
 23 Corps. And it got its name Little Fallujah

Page 60

1 for a reason. If you was going down there,  
 2 you were going to make contact.  
 3 And we stayed down there every  
 4 day. We didn't have -- An army in a combat  
 5 zone, there is no such thing as a day off.  
 6 You work, you patrol. We patrolled every  
 7 day. Got -- Ran across I don't even know  
 8 how many IEDs, ambushes, going in kicking in  
 9 doors, taking the Iraqis out, taking them to  
 10 jail.  
 11 Train the Iraqi police so you  
 12 could fight them that night; train the Iraqi  
 13 army so you could fight them that night.  
 14 Left Latifiyah, went to First  
 15 Armored Division. I was on Colonel Baker's  
 16 personal security detail.  
 17 Q. Who is Colonel Baker?  
 18 A. Second Combat Brigade Team,  
 19 First Armored Division, commander.  
 20 Q. You were on his personal  
 21 security team?  
 22 A. Yes, sir.  
 23 Q. What did that involve?

15 (Pages 57 to 60)

## FREEDOM COURT REPORTING

Page 61

1 A. Everywhere he wanted to go, I  
 2 had to make sure he made it there safely. I  
 3 mean every day he -- He was a jam-up  
 4 commander. He took care of his solders and  
 5 he knew his solders.  
 6 He traveled all over Iraq. He  
 7 had soldiers -- First Armored Division is a  
 8 big division, and he had a whole brigade  
 9 combat team, that's approximately  
 10 twenty-plus thousand soldiers. We'd go  
 11 anywhere up to a hundred miles from Baghdad.  
 12 Q. Okay.  
 13 A. His safety and welfare was my  
 14 responsibility. I'd make sure he stayed --  
 15 he was kept safe no matter where he went or  
 16 what he did.  
 17 Q. And was that the last thing  
 18 you did when you were in Iraq?  
 19 A. Yes, sir.  
 20 Q. Okay. Since you -- Well, when  
 21 did you get back home from Iraq that second  
 22 time?  
 23 A. Like I say, I think it was

Page 62

1 around August of '04. I'm not sure.  
 2 Q. Okay. And beginning in --  
 3 Well, after August of '05, were you still a  
 4 member of the National Guard?  
 5 A. Yes, sir. I still am.  
 6 Q. Same company and everything?  
 7 A. Yes, sir.  
 8 Q. Okay. What is your current  
 9 rank?  
 10 A. Staff sergeant, E-6. Until a  
 11 few months from now, and I'll be promoted to  
 12 an E-7.  
 13 Q. What's the difference between  
 14 E-6 and E-7?  
 15 A. Pay.  
 16 Q. Pay?  
 17 A. Title, job title. I'll be  
 18 taking over -- Right now I'm a fill-in  
 19 platoon sergeant. Any time we deploy, I'm  
 20 in charge of a platoon. But when I get that  
 21 promotion, it will be officially on paper,  
 22 I'll take official command of that platoon.  
 23 Q. Okay. Which platoon?

Page 63

1 A. Third platoon.  
 2 Q. What's the difference in pay  
 3 between E-6 and E-7?  
 4 A. I don't know yet.  
 5 Q. Okay. And when you -- When  
 6 you began back in 1983 at Lackland -- or at  
 7 Fort McClellan, what was your rank then?  
 8 A. E-1.  
 9 Q. E-1?  
 10 A. Bottom of the totem pole.  
 11 Q. And did you move from E-1 to  
 12 E-2?  
 13 A. Yeah.  
 14 Q. When was that?  
 15 A. I don't know.  
 16 Q. Do you remember when your  
 17 ranks changed, thinking back?  
 18 A. No. Back then it didn't  
 19 matter. Until you hit E-5 in the military,  
 20 it don't matter.  
 21 Q. All right. When did you hit  
 22 E-5?  
 23 A. Right before we went to Desert

Page 64

1 Shield.  
 2 Q. And to progress from E-5 to  
 3 E-6, does it take training, recommendations  
 4 from superiors?  
 5 A. Takes training, takes certain  
 6 schools you have to have, takes  
 7 recommendations. There's a lot of  
 8 requirements you have to have. Your packet  
 9 goes up before the State board. I picked my  
 10 E-6 up in Iraq.  
 11 Q. When was that, the second time  
 12 or first time?  
 13 A. Second time. In Air Force you  
 14 don't get E-6 prior to ten years. It just  
 15 don't happen. Like I say, you got all these  
 16 E-9s on the State board looking at your  
 17 packet, your records, your recommendations,  
 18 whether you have the requirements. They  
 19 pick your record apart with a fine-toothed  
 20 comb.  
 21 Q. What have you done to go from  
 22 E-6 to E-7?  
 23 A. Same thing. This last school,

16 (Pages 61 to 64)



## FREEDOM COURT REPORTING

Page 65

1 month-long school I've been in, was the last  
2 requirement I needed to make E-7. And  
3 really it's up to the State and my unit. My  
4 unit, if they don't think you're ready,  
5 you're not going to get it.

6 Q. What was the last school you  
7 attended?

8 A. That BNCOC, Basic  
9 Noncommissioned Officers Course.

10 Q. Okay. Let's talk about that.

11 A. All right.

12 Q. Tell me more about that. What  
13 is it?

14 A. Well, you've got to know the  
15 military legal system, as far as Uniform  
16 Code of Military Justice; you've got to have  
17 managerial skills; you've got to have -- I  
18 mean, you spend two weeks in the field, so  
19 your combat skills is tested big time.

20 Q. During the school?

21 A. Yes, sir.

22 Q. And is it a month-long school?

23 A. Well, I did two phases.

Page 66

1 There's three phases for my MOS, and each  
2 one is two weeks long. And I did the second  
3 and third phases back to back.

4 Q. All right. What was the first  
5 phase?

6 A. First phase is all basic  
7 military knowledge, as far as your admin  
8 side.

9 Q. When did you do that?

10 A. Last year. Last September, I  
11 believe.

12 Q. All right. When did you do  
13 Phase II?

14 A. I don't know. A month ago.

15 Q. Okay. And you still have to  
16 do Phase III?

17 A. No, sir. I did Phase II and  
18 III back to back.

19 Q. Okay.

20 THE WITNESS: I need to take a  
21 break if you don't mind.

22 MR. JOHNSON: That's fine.

23 (Recess taken.)

Page 67

1 Q. Mr. Dees, going back on the  
2 Record here. Just a couple other questions  
3 about your military background.

4 You had mentioned that you  
5 finished Phases II and III of BNCOC school.  
6 How long did that take to finish II and III?

7 A. Four weeks. That's mostly  
8 field training.

9 Q. Okay.

10 A. All my -- I spent -- Like I  
11 said, when I was seventeen, I went through  
12 basic training. I come from a military  
13 family, I've been a -- military is all I've  
14 ever known. I don't have one blemish. I've  
15 got letters of certificates, letters of  
16 appreciation from full bird colonels; I've  
17 got achievement medals, accommodation  
18 medals; put in for a bronze star in Iraq.  
19 You can ask any of my soldiers, Sergeant  
20 Barnes, my soldiers that work for me, my  
21 seniors, any of them, they'll attest to my  
22 military background and my career.

23 Q. Who -- And you mentioned

Page 68

1 Sergeant Barnes, is he one of your soldiers?

2 A. He's my operation NCO, he  
3 works for me. Sergeant Richberg, Sergeant  
4 Martin.

5 Q. Give me those names. You had  
6 Sergeant Barnes?

7 A. Sergeant Franklin D. Barnes.

8 Q. He's your NCO?

9 A. He's my operations NCO. He  
10 works for me. He's the one that sent the  
11 letter to Hyundai.

12 Q. Did you tell him to send it?

13 A. I went to the unit and  
14 complained because I was being ordered to  
15 give military orders for a drill weekend.  
16 And Greg Prater knows -- He was in the  
17 Guard, he knows you do not get military  
18 orders for a drill weekend. I gave them a  
19 schedule. Every time I hire on with an  
20 employer, I tell them up front, I'm in the  
21 National Guard, is this going to cause a  
22 problem.

23 Q. Did you tell Hyundai that up

17 (Pages 65 to 68)

## FREEDOM COURT REPORTING

Page 69

1 front?

2 A. I told Hyundai that up front.

3 I told International Paper, I told BE&K, I

4 told IP at Thorsby. I've always been up

5 front. You can ask my soldiers, you can ask

6 the people I -- Well, y'all's lawyer

7 interviewed my coworkers, they told him the

8 same thing. Leon Dees is honest. If he

9 screws up he will tell you. I may not be

10 perfect. I make mistakes just like the next

11 guy. But if I make one, I'll tell you. You

12 can go back to my employer at Thorsby, my

13 maintenance manager Danny Wyatt, I crashed

14 an eighty-five thousand dollar chipper. I

15 didn't know it. I went home that day, I

16 come back in, it was strowed all over

17 everywhere. They didn't have a clue what

18 happened to it. I knew what had happened.

19 I went up and I told them. I thought I was

20 fixing to get fired. But I told them

21 exactly what happened.

22 If I mess up, you can ask my

23 soldiers or anybody, if I mess up, I'm the

Page 70

1 first one to admit it.

2 Q. You mentioned something that

3 was interesting to me. You said when you

4 got hired on by Hyundai, as with other

5 employers, you told them you were a member

6 of the National Guard.

7 A. I gave Greg Prater my yearly

8 schedule, year in advance we get our

9 schedules, every October.

10 Q. Let me make sure you

11 understand my question. I assume what

12 you're talking about with Greg Prater, he

13 wasn't the one that hired you, was he?

14 A. Danny Blue interviewed me.

15 And I told Danny Blue I was in the Guard. I

16 told him I was in the National Guard, was an

17 active member in the Guard and have a

18 commitment to the Guard.

19 Q. And was Danny Blue -- Who was

20 he? Was he somebody that interviewed you

21 during the hiring process?

22 A. Yes, sir.

23 Q. And do you know what his role

Page 71

1 is at Hyundai?

2 A. He's a maintenance assistant

3 -- maintenance manager or assistant

4 maintenance of the -- I'm not sure which

5 department. He's on the electrical side.

6 I'm not sure.

7 Q. Do you know if he was in the

8 military?

9 A. Danny Blue?

10 Q. Uh-huh.

11 A. I don't think so. I'm not

12 sure, but I don't think so.

13 Q. That's fine. I don't know him

14 at all.

15 But you told him specifically

16 you were in the Guard?

17 A. Yes, sir, I did.

18 Q. And did he indicate that would

19 be a problem?

20 A. No, sir.

21 Q. Did he indicate that anybody

22 at Hyundai would have a problem with that?

23 A. No, sir.

Page 72

1 Q. Did he say anything about

2 whether Hyundai has policies that support

3 members of the Guard?

4 A. Their handbook states that.

5 You've got a copy of their handbook, and it

6 states their military policy.

7 Q. And you've got a copy of their

8 handbook?

9 A. Yes, sir.

10 Q. When you got a copy of the

11 handbook, did they get you to sign an

12 acknowledgement saying you received it?

13 A. I don't remember. I don't

14 know. I may have, I may not. I don't know.

15 (Whereupon, Defendant's

16 Exhibit No. 2 was marked

17 for identification.)

18 Q. Mr. Dees, this is an exhibit

19 we've marked as Exhibit Number 2. Do you

20 recognize that document?

21 A. Let me read it and make sure.

22 This is it.

23 Q. And I know that -- It appears

18 (Pages 69 to 72)

## FREEDOM COURT REPORTING

Page 73

1 the date on that is January 10th of '06;  
 2 correct?  
 3 A. Yes, sir. 10 January '06.  
 4 Q. And is that your signature  
 5 down there at the bottom?  
 6 A. Yes, sir.  
 7 Q. And my assumption is, since  
 8 it's from January 10th, of '06, this wasn't  
 9 signed at the time you initially hired on;  
 10 correct? You hired on before '06; right?  
 11 A. Yes, sir.  
 12 Q. Do you know -- Do you recall  
 13 if you received a handbook at the time you  
 14 were hired and then they issued another  
 15 handbook later?  
 16 A. No, sir. That was it. But  
 17 why was the '06 -- What was the original  
 18 number? Looks like 10 January '07 and then  
 19 the '06 is highlighted.  
 20 Q. Okay. Do you know if that's  
 21 your handwriting or do you remember doing  
 22 that?  
 23 A. I know -- I know they had a

Page 74

1 big push for everybody to sign that there,  
 2 because nobody had actually signed the --  
 3 They had a form in the handbook to sign, but  
 4 nobody had actually signed it.  
 5 Q. Do you remember when they sent  
 6 this -- sent the acknowledgement around to  
 7 get people to sign it?  
 8 A. To be honest, the exact date  
 9 or time, no.  
 10 Q. Okay.  
 11 A. But, mine says 10 January '07,  
 12 then the 7 is crossed out and the 6 is  
 13 highlighted.  
 14 Q. Okay. And you don't recall  
 15 whether you did that or not?  
 16 A. No, sir. Well, normally when  
 17 I do something like that, from my military  
 18 background, I initial it.  
 19 Q. Okay. But I assume that's  
 20 your signature?  
 21 A. That's my signature.  
 22 Q. Okay.  
 23 A. And that's my clock number.

Page 75

1 Q. Your clock number?  
 2 A. Old clock number.  
 3 Q. Okay. And would it be fair to  
 4 state that possibly prior to that, you had  
 5 received a copy of the handbook?  
 6 A. I received a copy of the  
 7 handbook when I hired on.  
 8 Q. Okay.  
 9 A. But like I said, this here, if  
 10 you look in the back of that handbook, or  
 11 the front, one, it's got this -- a statement  
 12 similar to this, or something in it --  
 13 Q. Okay.  
 14 A. -- and you're supposed to sign  
 15 it. And none of us signed it.  
 16 Q. Okay.  
 17 A. That's why they came out with  
 18 these.  
 19 Q. Do you remember reading the  
 20 handbook when you first got hired on?  
 21 A. All the way through?  
 22 Q. Sure.  
 23 A. No. Not all the way through.

Page 76

1 I mean I read bits and pieces and parts here  
 2 and there, yes, sir.  
 3 Q. All right. Do you remember  
 4 reading the part about military leaves or  
 5 anything related to military training?  
 6 A. Yes, sir, it is.  
 7 Q. Do you remember what it says?  
 8 A. It says that -- that you don't  
 9 have to use your vacation time in lieu of  
 10 your military training. Because that was a  
 11 big issue.  
 12 Q. Okay. Was his name Danny  
 13 Blue?  
 14 A. Yes, sir.  
 15 Q. Okay. Did he say anything  
 16 else about Hyundai supporting members of the  
 17 military services or Guard with leaves?  
 18 A. He said my being in the Guard  
 19 wouldn't have anything to do with me getting  
 20 hired.  
 21 Q. Okay. And you did get hired?  
 22 A. Yes, sir.  
 23 Q. Okay.

19 (Pages 73 to 76)

## FREEDOM COURT REPORTING

Page 77

1 A. But like I said, my military  
2 career, they can -- they can look at  
3 anything that they want to or talk to  
4 anybody in my unit if they want to, I'd be  
5 glad to let them.

6 Q. My assumption is, your  
7 attorneys have given us a number of  
8 commendations and awards and things that  
9 relate to your military service.

10 A. Yes, sir. I've got  
11 achievement metals out the ying-yang,  
12 accommodation metals.

13 Q. I'm assuming that you've  
14 provided to your attorneys all of those that  
15 are in your possession?

16 A. Yes, sir.

17 Q. Okay. Based on what you've  
18 said and based on my review of your  
19 accommodations and awards, my assumption is  
20 you were never disciplined for anything  
21 while you were in the military?

22 A. No, sir. I had an outstanding  
23 military -- I even took honor grad from a

Page 79

1 feel we have the need to know. There's  
2 three companies from my battalion going,  
3 217th, 214th, 1165th.

4 Q. And in addition to not being  
5 disciplined while you were in the military,  
6 I assume you were never court martialled for  
7 anything?

8 A. No, sir. No Article 15, no  
9 letters of counseling, no letters of  
10 reprimand. I come -- I know what my duty  
11 is, and, like I said, I fulfill that duty.  
12 I take care of my soldiers and my soldiers  
13 take care of me. That's all I've ever  
14 known, that's what I like, and I'm good at  
15 it.

16 Q. Now, earlier you used a term I  
17 want to clear up, you said MOS, that stands  
18 for Military Occupational Skill; correct?

19 A. Yes, sir. I don't remember  
20 using it, but that's what it stands for.

21 Q. I think you used it.

22 Your military occupational  
23 skill, would that be military police?

Page 78

1 Marine Corps school.

2 Q. Were you ever disciplined for  
3 anything while you were with the National  
4 Guard?

5 A. No, sir. I know my job and  
6 I'm very, very proud of the job I do, and  
7 proud of the uniform I wear.

8 Q. Okay.

9 A. I've served my country two  
10 different tours, combat tours, and I'm going  
11 back again next year, and I'm going back  
12 willingly.

13 Q. Going back where?

14 A. Iraq.

15 Q. Do you know what you're going  
16 to do when you go?

17 A. Yes, sir, I do.

18 Q. What are you going to do?

19 A. Convoy security. Most  
20 dangerous job you can have over there right  
21 now.

22 Q. Okay. When are you leaving?

23 A. We won't know that until they

Page 80

1 A. Yes, sir. That's one of them.

2 Q. I don't know the answer to  
3 this: Can people have more than one MOS?

4 A. Yes, sir.

5 Q. And do you have more than one?

6 A. Yes, sir.

7 Q. Okay. Tell me what yours are?

8 A. 13 Echo, field artillery, fire  
9 direction control, FDC, fire direction  
10 specialist. And 74 Delta. I ain't got a  
11 clue what that is. It's in my records, it's  
12 either chemical or signal one, I don't know.

13 Q. 13 Echo is that military  
14 police?

15 A. No, sir. That's artillery.

16 Q. Okay. And is that all the  
17 MOS's that you're aware of?

18 A. Yes, sir.

19 Q. Okay. Have you ever been  
20 arrested for anything?

21 A. No, sir.

22 Q. Have you ever filed a worker's  
23 compensation claim?

## FREEDOM COURT REPORTING

Page 81

1 A. No, sir.

2 Q. Have you ever filed a Social  
3 Security claim?

4 A. No, sir.

5 Q. Are you receiving any sort of  
6 payments now for any sort of disability,  
7 illness, short-term disability, long-term  
8 disability, anything like that?

9 A. When I came back from Iraq, I  
10 had to have my shoulder operated where I  
11 messed it up in Iraq. I got, I think it  
12 was, short-term disability through the IP, I  
13 believe. I'm not sure how it worked. They  
14 took care of everything.

15 Q. All right. What kind of  
16 shoulder surgery did you have? Did you have  
17 a rotator cuff injury?

18 A. Rotator cuff, lost the lining  
19 in my shoulders, muscles. Something to do  
20 with the bone, I don't know.

21 Q. What did you have done, do you  
22 know?

23 A. The muscles was completely

Page 82

1 torn off from the front or the back, one,  
2 half way on the other side. Like I say, I  
3 lost the lining in my shoulder. Something  
4 else, I don't remember what the doc said.  
5 He said it was screwed up.

6 Q. Where did you have the surgery  
7 done?

8 A. Birmingham.

9 Q. Birmingham?

10 A. Yes, sir. I ain't letting the  
11 Army cut on me no more. They've done it two  
12 or three times, and every time it ain't gone  
13 good.

14 Q. Okay. What were the other two  
15 or three times for?

16 A. When I was in Baghdad, they  
17 cut me open in a make-shift hospital in the  
18 middle of Baghdad to take my appendix out.  
19 And I woke up with industrial staples in my  
20 gut that I had to take out. They cut my  
21 wisdom teeth out up at Fort Lewis, and I  
22 still don't have the feeling in my jaw. So  
23 I wasn't going for a third.

Page 83

1 Q. Okay. Is your shoulder back  
2 where you can work fully at this point?

3 A. Yes, sir.

4 Q. Are you having any ongoing  
5 problems that prevent you from working in  
6 any way, shape, or form?

7 A. No, sir.

8 Q. Now, prior to today, to get  
9 ready for this deposition, did you review  
10 any documents?

11 A. Just what Hyundai sent me, I  
12 went over my military records.

13 Q. Okay. Anything -- When you  
14 say just what Hyundai sent you, what was  
15 that?

16 A. I don't remember. Benefits  
17 packages, hire-on package, junk like that.

18 Q. Okay. Are you talking about  
19 stuff we sent to your lawyer?

20 A. Yeah. Some statements from  
21 Will Ware, I think.

22 Q. Okay.

23 A. Mostly it was all benefits,

Page 84

1 and hire-on package, and stuff from my  
2 previous employers.

3 Q. Okay. Have you reviewed  
4 anything else?

5 A. No, sir.

6 Q. Did you -- And, again, I'm not  
7 -- I'm not going to ask you anything that  
8 you talked to your lawyers about or asked  
9 your lawyers or anything like that.

10 But other than your lawyers,  
11 did you speak to anybody getting ready for  
12 the depo?

13 A. No, sir.

14 Q. Did you review the complaint  
15 that was filed?

16 A. That my -- What do you mean?  
17 Which -- That my lawyers filed?

18 Q. Yes, sir. To start the  
19 lawsuit, your lawyers filed a summons and  
20 complaint at the courthouse.

21 A. Yes, sir.

22 Q. Did you look at it getting  
23 ready for today?

21 (Pages 81 to 84)



## FREEDOM COURT REPORTING

Page 85

1 A. I looked at it awhile back. I  
 2 don't remember. I've looked at it, yes,  
 3 sir.  
 4 Q. But did you look at it to get  
 5 ready for today?  
 6 A. I don't remember, to be  
 7 honest.  
 8 Q. Okay.  
 9 A. I talked to Bob yesterday  
 10 about some stuff, but I don't remember. To  
 11 be honest, I don't remember.  
 12 Q. Okay. And when you say you  
 13 talked to Bob, are you referring to  
 14 Mr. Hall, who is here?  
 15 A. Hall, yes, sir.  
 16 Q. Okay. And what did y'all talk  
 17 about?  
 18 A. The paperwork that he had  
 19 drawn up, gone over, my records.  
 20 Q. Did you review his expert  
 21 report with him?  
 22 A. Yes, sir.  
 23 Q. Okay. Was there anything in

Page 87

1 Basically, I lived there more than I did at  
 2 home.  
 3 Q. Okay. Which -- I mean, when  
 4 was the last time you spoke to one of your  
 5 coworkers?  
 6 A. Bornberg called me yesterday  
 7 evening I believe. Yesterday sometime.  
 8 Q. Who was that?  
 9 A. Mark Bornberg.  
 10 Q. What did he talk about?  
 11 A. Just letting me know he was  
 12 going to Maplesville to cut a tree down for  
 13 one of my friends.  
 14 Q. Did y'all talk about the  
 15 deposition or the lawsuit at all?  
 16 A. No, sir. He asked how it was  
 17 going, I said I don't know yet.  
 18 Q. Have you talked to any of your  
 19 former coworkers about the lawsuit or this  
 20 deposition?  
 21 A. They -- Some lawyers from  
 22 South Carolina interviewed -- had them all  
 23 at work, was going to interview them all one

Page 86

1 his expert report that you disagreed with?  
 2 A. No, sir. I mean, I ain't no  
 3 accountant or no lawyer.  
 4 Q. Okay.  
 5 A. So did I understand  
 6 everything? No, sir.  
 7 Q. All right. Was there anything  
 8 in his expert report that you asked him to  
 9 change in any way, shape, or form?  
 10 A. I don't believe so.  
 11 Q. Okay. Other than reviewing  
 12 the report that he drafted, what else did  
 13 you do?  
 14 A. That was about it.  
 15 Q. When was that?  
 16 A. I looked at Mr. Hall's report  
 17 yesterday.  
 18 Q. Okay. Did you speak with  
 19 anybody else that worked for Hyundai getting  
 20 ready -- prior to today getting ready?  
 21 A. No, sir. I mean, my  
 22 coworkers, they called me. I mean, we're  
 23 friends. We was tight, we was real close.

Page 88

1 night. And he interviewed three of them and  
 2 said he didn't want to talk to none of the  
 3 rest of them is the only thing they told me.  
 4 Q. Who said that?  
 5 A. Drake Barefoot.  
 6 Q. And he said what now?  
 7 A. Said that a lawyer told him  
 8 that they didn't have to talk to him, but  
 9 he'd like to ask them some questions. And  
 10 he started interviewing them, and says he  
 11 interviewed the third one and come out and  
 12 told the rest of them to leave, that he  
 13 wasn't getting what he wanted.  
 14 Q. Okay. Who are the three that  
 15 you think were interviewed?  
 16 A. I don't remember. Drake told  
 17 me the names, but I don't remember who it  
 18 was.  
 19 Q. Okay. And that's Drake  
 20 Barefoot?  
 21 A. Yes, sir.  
 22 Q. Okay. Did Drake tell you  
 23 anything else about the interview?

22 (Pages 85 to 88)

## FREEDOM COURT REPORTING

Page 89

1 A. No, sir. I didn't ask him  
2 nothing else.  
3 Q. Okay.  
4 A. I didn't ask him that, but --  
5 Q. Did you talk to anybody else  
6 about an interview?  
7 A. No, sir.  
8 Q. Other than Drake, do you know  
9 anybody that gave an interview?  
10 A. Like I said, Drake came and  
11 told me who all he talked to, but I don't  
12 remember who it was. That's been a while --  
13 few months ago, I guess.  
14 Q. Okay.  
15 A. Like I said, we was good  
16 friends. Most of the time we just call each  
17 other to pick on each other.  
18 Q. Okay. And other than that  
19 discussion, after those interviews, have you  
20 had any other talks with Drake about the  
21 lawsuit or this deposition or anything like  
22 that?  
23 A. No. Like I said, they'll call

Page 90

1 and ask, and I -- Like I said, I ain't no  
2 lawyer and I don't know, so I just -- that's  
3 the same thing I tell them, I don't know.  
4 Q. Okay. Have you talked to  
5 anybody else at Hyundai, other than your  
6 coworkers about this lawsuit?  
7 A. No, sir.  
8 Q. Or about this deposition?  
9 A. No, sir.  
10 Q. I assume you talked to your  
11 wife before coming here today?  
12 A. I live with her, yes, sir.  
13 Q. Well, did you talk to her --  
14 Again, remember I told you earlier some of  
15 my questions don't make sense.  
16 That made sense, but it wasn't  
17 the right question. Did you talk to her  
18 about this lawsuit or about your deposition  
19 in preparation for today?  
20 A. I reckon, yes, sir.  
21 Q. Okay. Do you remember what  
22 y'all talked about?  
23 A. No. I mean, she just said

Page 91

1 this -- her Korean culture, she just -- she  
2 was nervous.  
3 Q. Okay.  
4 A. That was it.  
5 Q. Okay.  
6 A. She's scared of the Koreans.  
7 Q. Okay. Why is that?  
8 A. I mean, in Korea you don't  
9 buck the system at all. Korean civilian  
10 life is like military life, you don't -- you  
11 don't go up against the system at all. If  
12 they tell you to jump off a bridge, you jump  
13 off a bridge and thank them half way down.  
14 Q. Okay. Other than your wife,  
15 did you speak to any other family members  
16 getting ready for the deposition?  
17 A. No, sir. I ain't had time.  
18 I've been up at Fort McClellan for a month,  
19 I came home Saturday. And she's always got  
20 something for me to do around the house, so,  
21 no.  
22 Q. I understand that.  
23 Either in getting ready for

Page 92

1 the deposition or at any time during the  
2 lawsuit, have you kept a journal or put  
3 anything down in writing that might have  
4 information relevant to the lawsuit?  
5 A. Have I kept a journal? No,  
6 sir. I kept notes when I was at Hyundai,  
7 and they were taken.  
8 Q. When you say you kept notes,  
9 what were your notes like?  
10 A. I spent several years in the  
11 military, I kept meticulous notes: dates,  
12 times, places, specific comments.  
13 Q. What did you keep them on?  
14 A. Just blank copy paper.  
15 Q. Blank copy paper?  
16 A. Yes, sir.  
17 Q. What color copy paper, plain  
18 white?  
19 A. Plain white paper.  
20 Q. Where did the blank copy paper  
21 come from?  
22 A. Probably out of the copy  
23 machine there.

23 (Pages 89 to 92)

## FREEDOM COURT REPORTING

Page 93

1 Q. At work?

2 A. Yes, sir. I mean, I don't  
3 know. They gave us tablets to keep notes  
4 on, to write daily logs on. So I don't know  
5 where I got it from.

6 Q. Did you ever keep anything on  
7 a journal or a daily log?

8 A. We had to fill out daily  
9 reports there at the plant, yes.

10 Q. Okay. And what did you do  
11 with those reports?

12 A. I turned mine in every day,  
13 except for one day when I forgot to turn one  
14 in and got in trouble for it.

15 Q. Who did you turn it in to?

16 A. We'd turn them in. There was  
17 a box in the office we had to turn them in  
18 to.

19 Q. When you say the office, is  
20 that like a maintenance office?

21 A. Yes, sir. Every section has  
22 their own maintenance office.

23 Q. Okay. Did any of your

Page 95

1 Q. But other than you telling  
2 them that you had notes, did they ever --

3 A. Yeah. I'd pull them out of my  
4 pocket, and they asked me, you got your  
5 notes? Yeah.

6 Q. And were these notes related  
7 to issues you were having with Greg Prater  
8 or somebody else at the plant?

9 A. Issues I was having period  
10 regarding my military service.

11 Q. Okay. Did you ever take your  
12 notes home?

13 A. Yes, sir. I'd take them home  
14 and bring them back -- they'd stay with me  
15 or either I'd lock them up in my locker.

16 Q. And you kept them in your  
17 pocket?

18 A. Yes, sir.

19 Q. Did you take any notes home  
20 that are still at your home?

21 A. No, sir. When I left, my  
22 jacket was locked up in my locker, and I  
23 wasn't allowed to even go to my locker. I

Page 94

1 coworkers ever see you writing on copy paper  
2 or writing in a journal about what was going  
3 on at work?

4 A. Yes, sir.

5 Q. Okay.

6 A. I mean, they knew I had notes.

7 Q. Who were they? Which ones?

8 A. All of them. Everybody on my  
9 shift and the other shift.

10 Q. All right. Did they ever look  
11 at them?

12 A. No, I don't reckon so.

13 Q. You don't remember ever  
14 showing your notes to anybody?

15 A. I don't reckon. No. No.

16 Q. When you say they all knew  
17 that you had them, what makes you say that?

18 A. I mean, I told them.

19 Q. Okay. Other than you telling  
20 them --

21 A. They seen that -- I kept them  
22 in my jacket pocket. Wherever I went, they  
23 went.

Page 96

1 was took out of there like a prisoner, like  
2 a criminal. Prater went and got my jacket  
3 and brought it back to me, and there was no  
4 notes in the pocket.

5 MR. SPORT: For the Record,  
6 Matt, we've asked y'all for those notes and  
7 haven't gotten them.

8 A. That's like this box here, I  
9 don't know -- My locker stayed open,  
10 unlocked, for two months after I was fired.  
11 Then all of a sudden two months later they  
12 come in and throw a lock on it for another  
13 couple of months. Then they -- all of a  
14 sudden they take the lock off again.

15 Q. You say that it was unlocked  
16 for two months?

17 A. Yeah.

18 Q. I assume you didn't go back  
19 there to see it personally?

20 A. No.

21 Q. What makes you think it was  
22 unlocked for two months?

23 A. Bornberg told me. I asked him



## FREEDOM COURT REPORTING

Page 97

1 to look for my notes, and he said there's  
2 nothing -- he said Kevin Hughes and Prater  
3 had gone all through my locker.

4 Q. Do you know -- Did Bornberg go  
5 there the day you were terminated or the day  
6 after?

7 A. It was the day after. That  
8 night I got terminated, I'd been at work an  
9 hour -- I drove fifty-something miles to  
10 work -- to work for an hour, didn't have a  
11 clue I was being fired; got security guards  
12 coming in with me, around my friends,  
13 telling you, let's go. Like I said, I was  
14 drug out like a criminal, and then that  
15 lady, Wendy Warner, she was cold, short,  
16 treated me like a piece of trash.

17 Q. Okay.

18 A. I've never been fired from a  
19 job in my life.

20 Q. And we're going to talk more  
21 about Wendy Warner before the day is out.  
22 The notes that you're talking about, how  
23 much information was it? How many pages?

Page 98

1 One page, more pages?

2 A. No. No. There was several  
3 pages.

4 Q. Several being what, two,  
5 three?

6 A. Probably three or four.

7 Q. So.

8 A. My military career, when it  
9 started, I figured it would drop after my  
10 unit sent the letter, but, no.

11 Q. Okay.

12 A. But it wasn't just Prater, it  
13 was Applegate, it was HR. It wasn't one  
14 individual, it was company.

15 Q. What was Applegate doing?

16 A. He basically told me -- I  
17 asked him one time, I said: What about the  
18 letter my unit sent? He said: Well, I  
19 ain't worried about that letter; He said,  
20 whatever Prater says, I'm going to back him  
21 up. I've never heard Prater say anything  
22 out of the way, which he was never around  
23 Prater when Prater was in our shop; he sat

Page 99

1 up there in his office. He said however  
2 Prater wants to run his shop, that's what  
3 he's going to do and I'm going to back him  
4 up.

5 Q. Is that all that Applegate had  
6 to say?

7 A. Basically, yeah. Chewed me  
8 out.

9 Q. Chewed you out how?

10 A. Told me that I needed to get  
11 my act together. I mean, I got Guard duty,  
12 I have a military obligation. I have to go  
13 to that obligation. I'm going to go to that  
14 obligation. Federal law protects me under  
15 that obligation, but yet I'm still being  
16 told that if I don't go to Guard duty and  
17 don't show up to work, I'm going to be wrote  
18 up for missing work.

19 Q. When Applegate said "get your  
20 act together," what was he referring to?

21 A. I have no idea. I didn't ask  
22 him.

23 Q. Did John Applegate ever ask to

Page 100

1 see any military orders of yours?

2 A. No. He just told me that he  
3 backed Prater up on whatever he said.

4 Q. Okay.

5 A. HR did, yeah.

6 Well, I take that back. There  
7 was a little girl from HR, her name was  
8 Keisha, I don't know what her last name is.  
9 This was after my unit had sent the letter.  
10 Said that -- She come out quoting something  
11 from the ESGR regulation and then saying  
12 that I had to provide orders so many days  
13 prior to, or something, I don't remember.  
14 And I said no, the regulation states that I  
15 can be deployed up to three months on a  
16 verbal order.

17 And I said: Y'all have my  
18 schedule a year advance. You've had it.  
19 They got my updated version, which he turned  
20 in. It got so bad that when I -- like, the  
21 -- I went to BNCOC Phase I, I believe in  
22 September, and I was deployed in support of  
23 Katrina, I had to carry my orders to human

25 (Pages 97 to 100)

## FREEDOM COURT REPORTING

Page 101

1 resources section myself, which y'all got  
2 the papers somewhere in there where the HR  
3 person had to sign off on me bringing my  
4 orders up there, said manager not available,  
5 because Prater wouldn't turn my orders in.  
6 And you got Applegate and HR backing him up  
7 on it, I'm against the wall. That's why I  
8 kept notes.

9 Q. I want to carve out Greg  
10 Prater for just a moment.

11 In terms of Mr. Applegate, how  
12 many discussions did you have with him that  
13 had anything to do with your military  
14 service?

15 A. Two or three.

16 Q. Two or three?

17 A. I mean, every time I -- It was  
18 several times, even after my unit sent the  
19 letter. And he admitted to the letter being  
20 there.

21 Q. All right. Do you think it  
22 was more than two or three or just two or  
23 three?

Page 102

1 A. I don't know. Like I said, it  
2 was ongoing several, several months.

3 Q. All right. So over a period  
4 of several months, you had several  
5 discussions with him?

6 A. Uh-huh. And HR.

7 Q. But I'm asking about Applegate  
8 for now.

9 A. Okay.

10 Q. During the discussions that  
11 you had with Applegate, did he ever demand  
12 to see any orders of yours?

13 A. I don't -- I don't think so.  
14 I don't know. I don't remember.

15 Q. Okay. You --

16 A. He said I needed to get my  
17 mind together and focus on the plant,  
18 instead of -- How did he phrase it?

19 He came up with some elaborate  
20 word and said I needed to basically just  
21 don't worry about my Guard duty and stay at  
22 work. I don't remember how he phrased it.

23 Q. Do you remember when he said

Page 103

1 it?

2 A. No.

3 Q. How long before you were  
4 actually terminated did your discussions  
5 with Applegate take place? Was it back in  
6 the fall?

7 A. It started around the fall.  
8 And it went on up through December and  
9 January.

10 Q. December and January?

11 A. Uh-huh.

12 Q. Did you have any problems  
13 after January?

14 A. With -- Yeah, I mean --

15 Q. With Applegate, I'm sorry.

16 A. With Applegate, yeah.

17 Q. Okay. So it went past  
18 December and January, is what you're telling  
19 me?

20 A. I believe it was in January, I  
21 don't know. I don't remember the dates to  
22 be exact. Like I say, they've got my notes,  
23 that's got everything on it. They've got

Page 104

1 them somewhere. I didn't bring them out of  
2 the plant.

3 Prater is the one that brought  
4 my jacket to me, they was in the pocket. He  
5 had keys to my locker. I had security  
6 guards on me, I couldn't go back and get my  
7 personal stuff. I had to give Prater my  
8 keys to my locker and it stayed unlocked.  
9 He unlocked it and it stayed unlocked. And  
10 I was pushed out with security guards in  
11 front of everybody, like I said, like a  
12 common criminal.

13 Q. During the time that you were  
14 there, what kind of lock was on your locker?

15 A. I don't remember. I think it  
16 was just a little red Master lock.

17 Q. Was it a keyed lock or  
18 combination?

19 A. It was a keyed lock. I had to  
20 give Prater my keys to get in it.

21 Q. Okay.

22 A. He's the one who brought my  
23 stuff to me. And all he brought was my

## FREEDOM COURT REPORTING

Page 105

1 jacket and a little MP3 player that they had  
2 given us for Christmas.

3 Q. Was he with anybody else?

4 A. No. I mean, I had to -- Like  
5 I said, I had to stay there with the  
6 security guards.

7 Q. Okay.

8 A. And Applegate may have walked  
9 around with him. I don't know, I was so  
10 upset. I didn't --

11 Q. When you came to work that  
12 morning --

13 A. That night.

14 Q. I mean that night. -- had you  
15 gone to your locker?

16 A. Yes, sir. I mean that's where  
17 my tools was at. I had to go to my locker,  
18 get my tools out. And that's the first  
19 thing we did was go get our tools, go out on  
20 the floor and get back briefed and all for  
21 the shift, any problems we had. And I  
22 went -- I'd go to my area of responsibility,  
23 which was SOPS.

Page 106

1 Q. So at what point during that  
2 evening were you pulled off the job?

3 A. I'd been there probably thirty  
4 minutes or an hour.

5 Q. Tell me what you had done that  
6 day so far.

7 A. Nothing. Like I said, I come  
8 in, went to my locker, got my tools.

9 Q. Did you put your coat in your  
10 locker?

11 A. Yes, sir. Because it was warm  
12 that night. And I went out on the floor.  
13 Might have been Paul Powell and then I was  
14 talking to, I don't know, somebody on the  
15 other shift, to see if we had problems that  
16 day. And then I went back up to my area.  
17 And about -- They was having a problem or  
18 something on the press, and I seen Mr. Moon  
19 down there, and I come down and was talking  
20 to him, and my fellow coworkers. Prater  
21 come up and said we need to talk. I turn  
22 around and walk off to the office and --  
23 Applegate's office; he said no, no, around

Page 107

1 here. I walk around there, and there's the  
2 security guards and John Applegate. I knew  
3 what was going on, because I heard the  
4 rumors, the war stories when they fire  
5 someone. They bring security guards in and  
6 try to bag and tag you and take you out. I  
7 said, I can't believe this is happening. He  
8 said no, no, we're just going to talk, you  
9 ain't fired. I said, what's the security  
10 guards doing here? No. No. We need to  
11 talk. I said no, I know what's going on.  
12 So I grabbed my radio, took it off, gave it  
13 to Applegate, I think. I said, I'm going  
14 back to go get my junk; I said I know y'all  
15 are taking me to the gates, I'm going to get  
16 my junk. No, you can't go back in there.  
17 And the security guards come up. I said,  
18 I've got personal stuff in there, I'm going  
19 to get. No, you can't go get it. I said,  
20 well, I'm not leaving without my gear.  
21 Prater said, well, I'll go get it, he said  
22 give me your keys. So I handed him my keys.  
23 Like I said, I was so upset, I don't

Page 108

1 remember if Applegate went with him or not.

2 Q. Okay.

3 A. Then they whisked me out with  
4 security guards, took me around to the gate,  
5 five miles from the parking lot I had parked  
6 in, took me in the office, I walked in and  
7 all the security guards are sitting there  
8 bowed up, staring at me, walked me in a  
9 little room. That lady sits me down,  
10 introduces everybody, says her name, the  
11 next fellow's name, Applegate's, and  
12 somebody was sitting on my side of the  
13 table, I don't remember. Held a letter up  
14 like this (indicating), read it, slammed it  
15 down on the table. I said, you're firing  
16 me; I said, you've got a team leader in  
17 there who's threatening several people  
18 jumped up in their faces and you're firing  
19 me and letting him stay. She said yes.

20 Q. Who are you referring to?

21 A. Wendy Warner, I guess. I  
22 didn't know the lady.

23 Q. No. Who is the team leader

27 (Pages 105 to 108)

## FREEDOM COURT REPORTING

Page 109

1 you're referring to?

2 A. Kevin Hughes. I mean he had  
3 had several altercations.

4 Anyhow, she slammed the paper  
5 face down on the table, got up and walked  
6 out. She was just cold. The little short  
7 fellow, I don't remember his name, she told  
8 me his name. I mean, he was cordial, but --

9 Q. What did he look like?

10 A. I don't know. Just a little  
11 short fellow, a little overweight. He  
12 wasn't fat. I don't know.

13 Q. Okay. You don't remember his  
14 name?

15 A. Huh-uh.

16 Q. Did he wear glasses?

17 A. I don't remember. I was --  
18 like I said, I was upset. I've never been  
19 fired, never had a blemish in my civilian or  
20 military record. And here all of a sudden  
21 I'm getting fired for something I didn't do.

22 Q. Had Greg Prater brought you  
23 your jacket yet?

Page 111

1 and he said here, here's your jacket.

2 Q. Did you look in your jacket at  
3 that point?

4 A. I looked in my jacket when  
5 Prater brought it to me.

6 Q. Did you know that there were  
7 notes missing?

8 A. Yes, I did.

9 Q. Did you say anything to  
10 Applegate?

11 A. That's when I said, can I go  
12 back and get my stuff. No. Security guard,  
13 they put me in the vehicle, we left. I  
14 mean . . .

15 Q. When you were in the room with  
16 Wendy Warner and the other gentlemen,  
17 including Mr. Applegate, did you tell them  
18 that I have some notes that are missing?

19 A. I asked them could I go back  
20 and get my personal stuff, that's what I  
21 asked Applegate, said my tool bag and my  
22 personal stuff, like I said before.

23 Q. But you never told them

Page 110

1 A. Yeah. He brought it to me  
2 before the security guards took me out.  
3 Like I said -- and I asked them then, I said  
4 all that's in here is the MP3 player. I  
5 said, when am I going to get the rest of my  
6 junk, in the vehicle on the way around  
7 there. We'll mail it to you.

8 Q. Did you -- When you were in  
9 the room with Wendy Warner and the other  
10 fellow that you were talking, and anybody  
11 else that was in the room, did you tell  
12 them, I've got more personal stuff in my  
13 locker and I'd like to go get it?

14 A. She -- Yes, sir.

15 Q. You said that to Wendy Warner  
16 and the other people?

17 A. I asked was I going to be able  
18 to get my tool bag and my other stuff. And  
19 Applegate is the one that told me no, said,  
20 you're not going back in the plant.

21 She slammed the paper down and  
22 got up and left. And Applegate, he took my  
23 keys to my personal safety lock, my lock,

Page 112

1 anything specific that you were missing  
2 other than your tool bag?

3 A. I said my personal stuff.

4 Q. And you never mentioned any  
5 notes?

6 A. No. I didn't mention  
7 specifically. I said my personal stuff,  
8 like I said.

9 Q. Is it your testimony that you  
10 were aware at that point in time that your  
11 notes were not in your jacket?

12 A. Yes, sir. Like I said, Prater  
13 went and got my jacket, so . . .

14 Q. Did you ask Prater where your  
15 notes were?

16 A. I don't remember. Like I say,  
17 I was mad. I was upset. I never had -- I  
18 never had anything -- Like I say, I've  
19 served my country and I've served it  
20 proudly, and I've served it for a long time.

21 Q. Okay.

22 A. And I'll do it again, gladly.  
23 And I've never, never been treated like I

## FREEDOM COURT REPORTING

Page 113

1 was a piece of trash like I was that night.  
 2 It was embarrassing. Then I have to go to  
 3 church on Sunday and look at my friends and  
 4 everybody knows, he got fired because he's  
 5 supposedly sleeping on the job. Everybody  
 6 is looking at you. No, that ain't right.

7 Q. Where were you when you  
 8 realized that the notes weren't in your  
 9 jacket?

10 A. There at the shop when they  
 11 brought me my jacket, like I said before.

12 Q. How far is the shop from your  
 13 locker?

14 A. My locker was in the shop. We  
 15 was on the outside of the shop. I wasn't in  
 16 the shop. He walked me from my area, around  
 17 the office, said go on around here. And we  
 18 went around the side of the shop.

19 Q. Could you see your locker from  
 20 where you were outside the shop?

21 A. No, sir. Block wall. And I  
 22 had the security guards there telling me I  
 23 couldn't go nowhere.

Page 115

1 taken care of. The first two years kicked  
 2 my butt. After that, I haven't had a  
 3 problem since.

4 Q. Okay. When was this you filed  
 5 bankruptcy?

6 A. I don't know. You'll have to  
 7 -- I don't know. I'll have to get back with  
 8 you on that.

9 Q. Right when you got back from  
 10 Germany, though?

11 A. No, sir. It wasn't right --  
 12 It was like a year or two later. I don't  
 13 remember.

14 Q. Where were you working then?

15 A. I don't remember.

16 Q. During the time that you were  
 17 with Hyundai, did you file any sort of  
 18 complaints with the HR department?

19 A. Yes, sir. That's where I  
 20 started out. It, apparently, didn't do no  
 21 good.

22 Q. All right. Let's talk about  
 23 the complaints. Did you file any written

Page 114

1 Q. Okay. And we're going to get  
 2 back to some of these issues, but I want to  
 3 cover some more basic stuff before we get  
 4 into it more deeply.

5 Have you ever filed any other  
 6 lawsuits?

7 A. No, sir.

8 Q. Have you ever filed any  
 9 administrative complaints like with the EEOC  
 10 or some sort of governmental entity?

11 A. No, sir.

12 Q. Have you ever been sued?

13 A. No, sir.

14 Q. And you may have shaken your  
 15 head, but I don't know if I heard you say  
 16 no --

17 A. No.

18 Q. You've not filed any EEOC --

19 A. I filed -- When me and my wife  
 20 first came home from Germany, probably two  
 21 years after being home, I filed bankruptcy  
 22 because I didn't manage my finances right, I  
 23 was used to being in the Army and everything

Page 116

1 complaints?

2 A. No, sir. There wasn't no form  
 3 -- a format for filing written complaints.  
 4 And when we tried, they didn't want to hear  
 5 it.

6 Q. Okay. Did you ever talk to a  
 7 team relations representative about problems  
 8 you were having?

9 A. Several times. Lucas Cooner  
 10 and Will Ware.

11 Q. Will Ware?

12 A. Yes, sir. And Lucas Cooner.

13 Q. Anybody else with Hyundai?

14 A. Greg Kimball.

15 Q. Greg Kimball?

16 A. And Keisha. I don't know what  
 17 -- I don't remember what her last name is.

18 She is no longer there. She went to Kia.  
 19 They moved her to Kia, in the HR department.

20 Q. Can you think of anybody else  
 21 that you complained to?

22 A. Other than the managers and  
 23 assistant managers, the production manager



## FREEDOM COURT REPORTING

Page 117

1 who said he was over Prater, Craig Stapley  
 2 and Jim Brookshire both.  
 3 Q. And the production manager was  
 4 who?  
 5 A. Craig Stapley --  
 6 Q. Stapler?  
 7 A. Stapley, S-T-A-P-L-E-Y.  
 8 Q. All right. And what other  
 9 members of management did you complain to?  
 10 A. That was about it, I reckon.  
 11 Q. Just to make sure I'm clear,  
 12 you never submitted anything in writing to  
 13 human resources?  
 14 A. There was no way to submit  
 15 anything in writing. When I complained they  
 16 didn't want to hear anything about it. I  
 17 submitted an e-mail to Greg Kimball about  
 18 Prater harassing me about my Guard duty, and  
 19 I never received a reply to the e-mail in  
 20 person or anything.  
 21 Q. When you say the last time  
 22 Greg Prater harassed you about your Guard  
 23 duty --

Page 118

1 A. Before I got fired.  
 2 Q. Where did you send the e-mail  
 3 from?  
 4 A. The maintenance shop.  
 5 Q. All right. Was Greg Kimball  
 6 working at that time?  
 7 A. I don't remember. I think it  
 8 was on -- I don't remember if it was on day  
 9 shift or night shift. I think it was on  
 10 night shift. But the e-mail, I mean, that  
 11 was probably a month before I'd gotten  
 12 fired, and he had plenty of time to respond.  
 13 MR. SPORT: Matt, we'd like to  
 14 request that e-mail, because I don't think  
 15 we have that.  
 16 (Recess taken.)  
 17 Q. Mr. Dees, we're back on the  
 18 Record.  
 19 You had talked a minute ago  
 20 about an e-mail you sent to Greg Kimball.  
 21 Did you have a log-in ID and a password at  
 22 Hyundai?  
 23 A. Yes, sir.

Page 119

1 Q. What was your log-in?  
 2 A. I don't know. That was a year  
 3 ago, almost. I don't know.  
 4 Q. Okay.  
 5 A. I have no idea. I think it  
 6 was my clock number, I think. I'm not sure.  
 7 Q. Okay. Do you know when you  
 8 were assigned the log-in ID?  
 9 A. It wasn't long after I was  
 10 hired. I'm not sure.  
 11 Q. Was it after you were hired?  
 12 A. Yeah.  
 13 Q. Okay. So when you say you  
 14 sent an e-mail to Greg Kimball, would that  
 15 have been on an internal Hyundai system,  
 16 e-mail system?  
 17 A. Yes, sir.  
 18 Q. You didn't send it from  
 19 Yahoo --  
 20 A. No, sir.  
 21 Q. -- or Google e-mail or  
 22 anything like that?  
 23 A. No, sir. It was on the

Page 120

1 Hyundai system.  
 2 Q. And it was while you were at  
 3 work?  
 4 A. Yes, sir.  
 5 Q. And do you remember where you  
 6 sent it from?  
 7 A. The maintenance shop. Stamp  
 8 and maintenance shop.  
 9 Q. Anybody else see you send it?  
 10 A. Drake Barefoot and someone  
 11 else was there. I don't remember who the  
 12 other one was.  
 13 Q. Do you remember what was in  
 14 it?  
 15 A. It was a -- I don't remember  
 16 the exact wording, no. I was complaining to  
 17 Mr. Kimball that Prater was still giving me  
 18 a hard time about my Guard duty, and I felt  
 19 that my job was in jeopardy for that reason.  
 20 Because even -- Like I said, even after my  
 21 unit sent the letter, I complained to HR at  
 22 least two more times and both times met with  
 23 negative results, and I was still getting

30 (Pages 117 to 120)

## FREEDOM COURT REPORTING

Page 121

1 harassed about getting orders for my weekend  
2 duty, when I wasn't showing up to work to go  
3 to drill.

4 Q. Was the e-mail after you went  
5 to HR?

6 A. Yes, sir.

7 Q. And the e-mail was after  
8 somebody apparently sent a letter to  
9 Hyundai?

10 A. Yes, sir. After my unit sent  
11 the letter.

12 Q. Okay. Did you talk to anybody  
13 else in management or in HR after you sent  
14 that e-mail?

15 A. No, sir. I don't believe so.

16 Q. Okay.

17 A. I mean, I don't know. Like I  
18 said, that was almost a year ago.

19 Q. Okay. But you don't recall  
20 it?

21 A. No, sir.

22 Q. Do you recall having any more  
23 discussions with Greg Prater about your

Page 122

1 service or weekend duty or anything after  
2 that e-mail got sent?

3 A. He was always -- If he wasn't  
4 telling me to bring in orders about my Guard  
5 duty, he was making fun of what we did. Oh,  
6 y'all just go down there and drink. Like I  
7 said, it didn't matter who I complained to,  
8 I complained to Greg Kimball, or Keisha,  
9 John Applegate, they all: Well, I've never  
10 heard Greg say anything like, I've never  
11 heard Greg talk in a derogatory manner.

12 Q. That's what they said?

13 A. Yeah. And we back Greg up in  
14 any decision he makes.

15 Q. When you talked to William  
16 Ware, who's with team relations, what did he  
17 say about it?

18 A. Prater would always use the  
19 excuse that Rob Clevenger just said I can  
20 do -- just like in the instance he was  
21 trying to make me use my vacation for my  
22 military service when I went to school.

23 Q. Who was?

Page 123

1 A. Prater. And supposedly  
2 Applegate was backing him up, because  
3 Applegate backed him on everything else, and  
4 HR backed him too. And he told me I had to  
5 use my vacation time -- He was thinking  
6 about making me use my vacation time in lieu  
7 of my military leave. And I said, well,  
8 you're just going to go against the HMMA  
9 handbook and throw it out the window. Rob  
10 Clevenger told me I can do whatever I want  
11 to, run my shop however I need to for the  
12 benefit of the company.

13 Q. And this is Greg Prater said  
14 that?

15 A. Yes, sir. Then he said that  
16 Rob Clevenger had told him that.

17 Q. Did John Applegate ever tell  
18 him he could do that, to your knowledge?

19 A. John Applegate told me to my  
20 face that whatever decision Greg Prater  
21 makes, he would back him on it.

22 Q. Did anybody else from human  
23 resources ever say anything like that, to

Page 124

1 your knowledge?

2 A. Keisha -- Greg Kimball -- The  
3 only reason HR got on to Prater the first  
4 time was because he told us we couldn't talk  
5 to HR. As far as my military obligation,  
6 anything else, nothing ever came out of  
7 that. It was just like I hadn't said  
8 anything to them at all.

9 (Off-the-Record discussion  
10 was held.)

11 Q. The notes that you said you  
12 kept?

13 A. Yes, sir.

14 Q. When did you start keeping  
15 them?

16 A. The first time I went to HR.  
17 I mean, when Prater -- he was -- He said he  
18 was a tank commander in the National Guard  
19 as an E-4, that's not allowed. It goes  
20 against Army regulation.

21 Q. Say that again. I'm sorry.

22 A. He said that he was a tank  
23 commander in the National Guard as an E-4.

## FREEDOM COURT REPORTING

Page 125

1 He showed me his ID card one time, he was a  
2 corporal, and his ID card was expired. And  
3 you're not allowed to be a tank commander in  
4 the National Guard or the Army, period, as  
5 an E-4. You have to be an E-7 or higher.  
6 But anyhow -- What did you ask me? What did  
7 I start out on?

8 Q. No. Let's -- I mean --

9 A. Like I said, Clevenger and all  
10 of them -- His excuse on everything was Rob  
11 Clevenger told me I can run my shop how I  
12 want to for the benefit of the company.

13 Q. Okay. Now, to your knowledge,  
14 did Rob Clevenger ever say anything to you  
15 about your military service?

16 A. I never met the man.

17 Q. So you don't have any  
18 firsthand information --

19 A. But Will Ware sat there and  
20 told Prater, well, he can do whatever he  
21 wants to, in front of me and everybody.

22 Q. Said who can do whatever he  
23 wants to?

Page 126

1 A. That Prater could. And that  
2 Applegate and HR could. He said we can run  
3 the company however we want to.

4 Q. William Ware said that?

5 A. Yes, sir. Because Prater put  
6 him on the spot, and he had to come up with  
7 an answer.

8 Q. How did Prater put him on the  
9 spot?

10 A. Prater -- Because I was told  
11 to stay over that morning. Their handbook,  
12 once again, states that you don't have to  
13 stay over -- you can't be forced over ten  
14 hours. I'd worked ten hours, Prater come up  
15 and asked questions. I said as long as it  
16 don't take over fifteen minutes, I'm tired.  
17 He said, I can force you to stay here  
18 twenty-four hours a day if I want to. I  
19 said, no, once again, that goes against your  
20 own handbook.

21 Q. What -- Is this a different  
22 conversation here?

23 A. Yeah. Like I said he just --

Page 127

1 Everything was Rob Clevenger and human  
2 resources and Applegate said I can do this.  
3 And every time we talked to human relations  
4 or human resources or Applegate, they backed  
5 him up on every conversation.

6 Q. Okay. Tell me when did -- You  
7 first started taking notes when?

8 A. Like I said, the very first  
9 time he got on to me about my Guard duty. I  
10 don't remember the exact date. I have no  
11 idea.

12 Q. Do you remember the  
13 approximate date?

14 A. No. I mean, August,  
15 September, I don't know. July, August,  
16 September, I don't know.

17 Q. At that point in time, did he  
18 have your calendar for that year?

19 A. He had my calendar when I  
20 hired on.

21 Q. Okay.

22 A. We get our yearly training  
23 calendar every October.

Page 128

1 Q. Uh-huh.

2 A. And he had it in his office on  
3 his desk.

4 Q. Greg Prater did?

5 A. Yes, sir.

6 Q. Okay. So there would be no  
7 question that if you were scheduled for  
8 duty, he had it in advance?

9 A. Yes, sir.

10 Q. Okay.

11 A. But yet he still wanted  
12 military orders. And I backed him up on it.

13 Q. Did he want military orders  
14 for every single weekend duty, every  
15 training --

16 A. Not the first six or eight  
17 months, no, sir.

18 Q. Okay. When did he ask for  
19 orders?

20 A. Like I said, I don't remember  
21 the exact date. I don't know. You're  
22 wanting a date, and I can't give it to you.

23 Q. Can you give me an approximate



## FREEDOM COURT REPORTING

Page 129

1 date?

2 A. I already did.

3 MR. SPORT: Matt, we've  
4 produced those documents, those drill  
5 schedules, but they've not been produced to  
6 us from Hyundai's records, so we'd also like  
7 those.

8 Q. And, again, just to make sure  
9 I'm clear, the year that you say that he  
10 started demanding orders, that was in 2006?

11 A. Yes, sir.

12 Q. Okay. Do you have any idea  
13 approximately how many times Greg Prater  
14 asked you for copies of your orders?

15 A. I don't know. Seems like it  
16 was every month. But to be honest, the  
17 exact times, no. I have no idea.

18 Q. Do you remember when the last  
19 time he asked you for a copy of your orders  
20 was?

21 A. No, sir. Like I said, I don't  
22 -- the exact dates and times, no, sir. I  
23 don't know.

Page 130

1 Q. Okay. Was there a period in  
2 time from the date that you were terminated  
3 in which you and Greg Prater did not have  
4 any discussions about your Guard duties?

5 A. I don't know. I filed a  
6 complaint to the ESGR.

7 Q. When was that?

8 A. I don't know. I don't know if  
9 it was right before I got fired or after I  
10 got fired. And they basically told me that  
11 if Hyundai tells them it's not a military  
12 matter, they don't have anything to do with  
13 it. And that's what happened, so that was a  
14 deadend street.

15 Q. Wait. Who said that?

16 A. The ESGR representative. I  
17 can't remember his name. Dan or -- I don't  
18 remember. I e-mailed him and he e-mailed me  
19 and he said -- then he called me one time  
20 and said, well, I've called them, they told  
21 me this has nothing to do with the Guard, so  
22 therefore I cannot get involved. And he  
23 went off, all they got to do was a

Page 131

1 statement, no, this ain't Guard related, and  
2 he was out of it.

3 Q. All right. You don't remember  
4 who told you that?

5 A. The ESGR rep. I don't  
6 remember his name, no.

7 Q. Did he provide you any sort of  
8 paperwork or anything?

9 A. No, sir.

10 Q. Do you know if Hyundai  
11 provided him with any paperwork or evidence?

12 A. No, sir. He said that -- Per  
13 the conversation, he said I called them, and  
14 this is what was said, so I'm out of it.

15 Q. Okay.

16 A. So I don't know if they  
17 provided him with paperwork or not. I mean,  
18 I have no idea.

19 Q. Again, I just want to make  
20 sure I understand what it is he said he was  
21 told. This didn't have to do with guard  
22 duty?

23 A. That's what they told him.

Page 132

1 That's what they're going to say. That's  
2 common sense. I mean . . .

3 Q. And to your knowledge, he  
4 didn't know anything else?

5 A. No, sir.

6 Q. And you don't remember his  
7 name?

8 A. I think it was Dan something.  
9 I don't know. They've got -- They had  
10 copies of the e-mails. I don't know.

11 Q. Who is they?

12 A. Hyundai, I think. I don't  
13 remember. I seen a copy of it somewhere. I  
14 don't know.

15 (Whereupon, Defendant's  
16 Exhibit No. 3 was marked  
17 for identification.)

18 Q. Okay. Let's go -- I want to  
19 go through what we've marked as Defendant's  
20 Exhibit 3, which is a copy of the complaint  
21 that you and your lawyers filed.

22 If you go over a couple of  
23 pages you'll see a page that's marked

33 (Pages 129 to 132)

## FREEDOM COURT REPORTING

Page 133

1 complaint.  
 2 A. All right.  
 3 Q. Did you have an opportunity to  
 4 review it before it got filed?  
 5 A. Yes, sir. I believe so.  
 6 Q. Okay.  
 7 A. I believe. I don't know.  
 8 Like I say, that's been a year ago.  
 9 Q. Okay. Let's turn to page two,  
 10 paragraph seven. In there it says you began  
 11 working on or about November 21, 2005. Do  
 12 you agree with that?  
 13 A. Yes, sir.  
 14 Q. Okay. And it says you were  
 15 working as a maintenance technician in the  
 16 stamping maintenance department; is that  
 17 accurate?  
 18 A. Yes, sir.  
 19 Q. And were you working under the  
 20 direct supervision of Kevin Hughes, who is  
 21 identified as a team leader?  
 22 A. Yes, sir, he was a team  
 23 leader.

Page 134

1 Q. Okay. And were you also  
 2 working under Greg Prater?  
 3 A. Yes, sir. He was the  
 4 assistant manager.  
 5 Q. Okay. And it's indicated in  
 6 here that Greg Prater reported to John  
 7 Applegate, is that your understanding?  
 8 A. Yes, sir.  
 9 Q. And who -- Do you know who  
 10 John Applegate is?  
 11 A. As far as I know, he was the  
 12 only American in charge of the American side  
 13 of the maintenance.  
 14 Q. What makes you think that  
 15 Prater was reporting to Applegate?  
 16 A. Only thing we had -- That was  
 17 the way Applegate and Prater put it.  
 18 Q. To who?  
 19 A. All of us in the section.  
 20 Q. Okay. I mean, did you have  
 21 regular conversations with John Applegate?  
 22 A. No, sir. He had an office  
 23 over in the energy building, and we worked

Page 135

1 over in the stamping shop.  
 2 Q. Okay. So when did John  
 3 Applegate tell you anything about his  
 4 relationship with Greg Prater?  
 5 A. As in?  
 6 Q. His working relationship, who  
 7 reported to who?  
 8 A. Well, the very first time I --  
 9 I believe it was the first time I went to  
 10 HR. Then after HR, Applegate wanted to know  
 11 why we had gone to HR, I believe.  
 12 Q. When you say "we went to HR,"  
 13 who are you talking about?  
 14 A. I, myself, Barefoot, and  
 15 Weihe.  
 16 Q. All right. And what was that  
 17 about?  
 18 A. It all started with me because  
 19 of Prater and my Guard duty. Then it went  
 20 from that to he told -- I told him, I said,  
 21 well, I'm going to talk to HR about this  
 22 after this meeting. He said HR is not in  
 23 your chain of command, you don't have the

Page 136

1 authority to talk to them.  
 2 Q. Who said that?  
 3 A. Prater. I said -- Well, I  
 4 said, the handbook we're supposed to be  
 5 going by says HR has an open-door policy,  
 6 and I can talk to them any time. And I  
 7 said, you're telling me my Guard duty is a  
 8 problem, I said, I'm going to talk to HR.  
 9 And Chris Weihe and Barefoot said, well,  
 10 we're going to talk to them too. They had  
 11 their own issues.  
 12 Q. Let me ask you this. So you  
 13 sat down with Greg Prater and Chris Weihe?  
 14 A. No. He called the whole shift  
 15 in. It started out about a schedule. He  
 16 called the whole shift in, some goof up  
 17 about a schedule, the weekend. They got a  
 18 force list, an overtime force list. And he  
 19 would just take his force list and disregard  
 20 it, his own list, and that Applegate had  
 21 signed off on and HR had signed off on, and  
 22 threw it out the window and come out with  
 23 his own list. I had Guard duty that

## FREEDOM COURT REPORTING

Page 137

1 weekend, I said, I'm not going to be here.  
 2 He said, you're going to be here or you're  
 3 going to produce orders. I said, I'm going  
 4 to talk to HR.  
 5 Q. Okay. And Chris Weihe and  
 6 Drake Barefoot were in on that discussion?  
 7 A. The whole shift was.  
 8 Q. Okay. And tell me more. What  
 9 else did Greg Prater say -- Was that the  
 10 first time you had a problem with him about  
 11 your Guard duty?  
 12 A. That's where it all started,  
 13 yes.  
 14 Q. Okay.  
 15 A. Wasn't the first time. I'd  
 16 been blowing it off up to this point.  
 17 Q. Okay. Who did you go see --  
 18 Well, did you go see --  
 19 A. That was the first time I went  
 20 to HR and complained about it.  
 21 Q. Is that when you talked to  
 22 Keisha?  
 23 A. No, sir. That's when I talked

Page 138

1 to Greg Kimball. He was the very first one  
 2 I talked to. I was told that he was the man  
 3 in charge of human resources, and that's who  
 4 I talked to.  
 5 Q. And you spoke to him face to  
 6 face?  
 7 A. Yes, sir. In his office.  
 8 Q. Okay. I mean, did you submit  
 9 anything in writing to him?  
 10 A. No, sir.  
 11 Q. Any e-mails at that time?  
 12 A. No, sir.  
 13 Q. I mean, did you just show up  
 14 in his office, did you schedule a meeting  
 15 with him?  
 16 A. I took my lunch break. I did  
 17 not leave my work floor --  
 18 Q. What time was your lunch  
 19 break?  
 20 A. I don't remember.  
 21 Q. You were working the night  
 22 shift?  
 23 A. No. I was on the day shift

Page 139

1 the very first time it happened.  
 2 Q. Okay. Let me go back to your  
 3 complaint. In paragraph eight there on page  
 4 three, it says that harassment of Dees by  
 5 Hyundai through Prater and Hughes began  
 6 almost immediately when Prater learned that  
 7 Dees was a member of the Alabama Army  
 8 National Guard and had served two tours in  
 9 Iraq.  
 10 Did Greg Prater -- How did  
 11 Greg Prater harass you because you were a  
 12 member of the Guard or because you served to  
 13 tours in Iraq?  
 14 A. He said that -- He made the  
 15 comment that he had been in Baghdad, he had  
 16 killed people, he had been a Navy SEAL, he  
 17 had been a tank commander. And when I asked  
 18 him where he was at in Baghdad, he says --  
 19 when I asked him where he was in Iraq, I was  
 20 on the southside of Baghdad. I said, what  
 21 compound? I don't remember, there was so  
 22 many. I said, what was the name of the  
 23 compound? I don't remember. You know how

Page 140

1 it was there was compounds all over the  
 2 southside of Baghdad. I said, no, there  
 3 wasn't, there was one, the one I lived in.  
 4 And I had put him on the spot  
 5 because I listened to him six or eight  
 6 months, him and Applegate come around and  
 7 Prater start running up and talking about  
 8 how he been in combat and killed so many  
 9 people. And Applegate was like, yeah, this  
 10 is my boy. And I got friends that died in  
 11 Iraq, I've killed people in Iraq, and my  
 12 friends served proudly in Iraq. And  
 13 Applegate and HR and everybody was making a  
 14 disgrace of what we had done.  
 15 Q. Well, what --  
 16 A. When I went to them with my  
 17 complaints about my Guard duty, being forced  
 18 to produce military orders, they were like,  
 19 well, we'll look into the regulations.  
 20 Q. Did Applegate ever demean you  
 21 or try to diminish your service in Iraq in  
 22 any way?  
 23 A. He basically sat there the

35 (Pages 137 to 140)

## FREEDOM COURT REPORTING

Page 141

1 last -- said, well, I know Prater is a hero.  
 2 And he's -- like I said, basically he's my  
 3 man, he's my boy.  
 4 Q. When did he say that?  
 5 A. I don't remember the exact  
 6 date. I don't know.  
 7 Q. Okay.  
 8 A. Ask him.  
 9 Q. Other than saying good things  
 10 about Prater, did he say anything bad about  
 11 you or your service?  
 12 A. Directly, no.  
 13 Q. Indirectly what did he say?  
 14 A. Well, I -- I don't know. Like  
 15 I say, that's been a long time ago.  
 16 Q. All right. I need --  
 17 A. And just -- You're asking a  
 18 question I can't answer.  
 19 Q. That's fine. If you can't  
 20 answer, that's all I need to know.  
 21 A. He'd make comments like: What  
 22 do you need to go down there for, all y'all  
 23 do is party.

Page 142

1 Q. Who said that?  
 2 A. Prater --  
 3 Q. I know. Let's talk about  
 4 Applegate. Let's try to do this in some  
 5 orderly fashion.  
 6 A. It's my depo, so I've got to  
 7 go at my own rate.  
 8 Q. All right. Let me ask you  
 9 this: Am I hearing you correctly that you  
 10 don't have anything to tell me about ways  
 11 that Applegate either directly or indirectly  
 12 said bad things about you or your service?  
 13 A. No. Just, like I said, that I  
 14 need to focus more on my job and not worry  
 15 about my Guard duty, and most of the time  
 16 all they do is party down there anyhow.  
 17 Q. Is that the worst thing that  
 18 Applegate said?  
 19 A. Yeah. Other than like I said,  
 20 just backing Prater up saying whatever  
 21 Prater decides is what I'm going with.  
 22 Q. And are you telling me that  
 23 John Applegate told you that all y'all do

Page 143

1 when you do this duty is party?  
 2 A. To my face, yes.  
 3 Q. Okay. So did he and Prater  
 4 say that?  
 5 A. Prater said that in front of  
 6 everybody.  
 7 Q. Okay. Who did John Applegate  
 8 say it in front of?  
 9 A. Me. Like I said, I had to  
 10 have meetings -- If I complained to HR, I  
 11 had to go see Applegate.  
 12 Q. There are no witnesses to  
 13 Applegate saying all y'all do is party;  
 14 right?  
 15 A. Nope.  
 16 Did your lawyers interview him  
 17 too?  
 18 Q. Let me ask you about Keisha.  
 19 Did Keisha ever say anything to you about  
 20 you or your service in the Guard or Iraq?  
 21 A. No. She just said I had to  
 22 have orders before I could be deployed or  
 23 sent out.

Page 144

1 Q. Did Greg Kimball ever say  
 2 anything about you or your service in the  
 3 Guard or Iraq or Korea or anywhere else?  
 4 A. No. The only thing he was  
 5 worried about was that Prater told us we  
 6 couldn't talk to human resources. He didn't  
 7 care about -- basically didn't care about  
 8 the complaint I was making about Prater  
 9 harassing me about my Guard. The only thing  
 10 he worried about was Prater telling we  
 11 couldn't talk to human resources.  
 12 Q. Because he disagreed with it?  
 13 A. Yeah. Because it's basically  
 14 telling him that he's not over Prater, that  
 15 Prater can do whatever he wants. That's the  
 16 only reason he got -- He could care less  
 17 whether Prater was harassing me about my  
 18 Guard service.  
 19 Q. What makes you think he could  
 20 care less?  
 21 A. Because nothing was done about  
 22 it, ever.  
 23 Q. Let me ask you this: Did

## FREEDOM COURT REPORTING

Page 145

1 Kimball ever say anything to suggest that  
2 either you or your service in Iraq or the  
3 Guard was insignificant?

4 A. No. Like I say, the only  
5 thing he cared about was Prater saying we  
6 couldn't talk to him.

7 Q. Okay.

8 A. But that still doesn't excuse  
9 the fact that he let Prater get away with  
10 telling me I had to have military orders or  
11 I was going to get wrote up for missing  
12 work.

13 Q. Did William Ware ever say  
14 anything to you about your military service,  
15 your Guard duty service in Iraq?

16 A. No. Will's only job there was  
17 to keep the union out, keep peace, and tell  
18 us that Prater could do whatever he wanted  
19 to.

20 Q. Okay. Did anybody other than  
21 Applegate and/or Prater say anything about  
22 your service in Iraq, your service in the  
23 National Guard, or your uniformed service?

Page 146

1 A. No. But like I said, that  
2 doesn't change the factor or dismiss the  
3 fact that they let him tell me I had to have  
4 military orders or I was getting wrote up.

5 Q. All right. And understand,  
6 I'm trying to figure out what the evidence  
7 is, I'm trying to figure out what people  
8 said and what you know.

9 A. Uh-huh.

10 Q. So, I want to figure out who  
11 said what.

12 A. All right.

13 Q. Can you think of anybody else,  
14 other than Applegate or Prater, that ever  
15 said anything or did anything to you that  
16 was harassing or demeaning in any way with  
17 respect to your uniformed service?

18 A. No. I never had a problem  
19 with anyone else about it.

20 Q. Okay. And with respect to  
21 Applegate, I just want to make sure I  
22 understand exactly what it is he said and  
23 did. Am I correct that he made a comment

Page 147

1 that during your reserve or Guard duty  
2 people partied?

3 A. Yes.

4 Q. And did he ever say anything  
5 else that was demeaning or insulting or  
6 harassing in any way with respect to your  
7 service?

8 A. Other than backing Prater up  
9 about having to have military orders, no.

10 Q. Okay. So backing Prater up  
11 about orders?

12 A. Yeah.

13 Q. Okay. You've indicated in  
14 paragraph nine of your complaint in  
15 subparagraph B, that Prater told you you  
16 couldn't miss work to attend Guard training?

17 A. Yes, sir.

18 Q. Was that on one occasion or  
19 multiple occasions?

20 A. That was on multiple  
21 occasions.

22 Q. Okay. And do you remember  
23 specifically any of those particular

Page 148

1 occasions?

2 A. Well, I mean, sometimes he'd  
3 just walk up and say, hey, you've got to  
4 have orders this weekend or it's a write-up,  
5 and sometimes he'd say it in front of  
6 everybody.

7 Q. Did he ever write you up for  
8 not having orders?

9 A. No, sir.

10 Q. Did anybody ever write you up  
11 for anything related to your military  
12 service?

13 A. Not that I know of. I don't  
14 know. I never signed anything.

15 Q. Okay. And you were never told  
16 that you were being written up after the  
17 fact?

18 A. After the fact, no, sir. He  
19 just still kept coming up harassing me  
20 saying where's your orders, where's your  
21 orders.

22 Q. Did you ever not attend any  
23 Guard duty because of --



## FREEDOM COURT REPORTING

Page 149

1 A. Because of work?  
 2 Q. Because of Greg Prater or  
 3 work?  
 4 A. I don't know. I'd have to go  
 5 back and look at my LES's and see.  
 6 Q. Let me ask you this: Do you  
 7 remember ever skipping any Guard duty on a  
 8 weekend, or a week-long duty, or any sort of  
 9 training because of your job at Hyundai?  
 10 A. I don't know. I may have.  
 11 Q. But you don't remember it?  
 12 A. I may have. I don't know.  
 13 Q. Do you remember it?  
 14 A. I said I don't know.  
 15 Q. Okay. And I assume you  
 16 haven't provided your attorneys with any  
 17 information to suggest you ever missed any  
 18 Guard duty because of your work at Hyundai?  
 19 A. Like I said, I can go back and  
 20 look at my LES's and see.  
 21 Q. All right. Let me ask you  
 22 this: In paragraph 9-E of your complaint it  
 23 says: Prater attempted to force Dees'

Page 151

1 Shane said out of his own mouth that that's  
 2 what Prater had said and he made the  
 3 statement -- he wrote a statement saying  
 4 that.  
 5 Q. Okay. Who from team relations  
 6 were they with?  
 7 A. Will Ware.  
 8 Q. Were there any other instances  
 9 that fall within what you've described in  
 10 paragraph 9-E?  
 11 A. Yeah. One other time that I  
 12 had a breakdown, Prater tried to get Shane  
 13 to say that I said, heck with the breakdown,  
 14 let's just go to lunch. And I never stated  
 15 that. That was Shane, myself, and Drake  
 16 Barefoot there. And Drake was the one that  
 17 made the comment, but Prater wouldn't talk  
 18 to Drake. And I asked him what happened, he  
 19 called Shane in once again trying to get  
 20 Shane to say I had caused the breakdown and  
 21 just walked off and left it, when Drake had  
 22 to run him down that I'm the one that stated  
 23 it --

Page 150

1 coworkers to say that Dees had violated  
 2 Hyundai's policies and procedures when  
 3 Prater knew it was not true.  
 4 Do you have any idea from a  
 5 factual perspective what that means?  
 6 A. Yes, sir.  
 7 Q. Tell me about that.  
 8 A. About a month before I was  
 9 fired he tried to get one of my coworkers to  
 10 say that I was creating a hostile work  
 11 environment.  
 12 Q. Who did he say that to?  
 13 A. Shane Archer.  
 14 Q. What did he say to Shane?  
 15 A. He wanted Shane to say -- He  
 16 called Shane in the office with team  
 17 relations and wanted Shane to specifically  
 18 say that Leon was creating a hostile work  
 19 environment.  
 20 Q. You think he called Shane into  
 21 a meeting with team relations?  
 22 A. We all saw Shane go in the  
 23 office with him and team relations. And

Page 152

1 Q. That you stated what?  
 2 A. That I didn't, that Drake  
 3 stated it.  
 4 Q. Did you walk off the  
 5 breakdown?  
 6 A. No.  
 7 Q. You did not?  
 8 A. No. We took our lunch shifts  
 9 -- Half the shift come in an hour early and  
 10 other shift came in an hour late. We split  
 11 our lunch breaks up. We had a breakdown in  
 12 my section. The SOP asked -- that I was  
 13 told to stay in is where they supposedly  
 14 caught me sleeping. It's out in open view  
 15 of everybody. And I was working on it, we  
 16 had worked fifteen minutes over into our  
 17 lunch break, and myself and Drake was  
 18 working on it. I handed my radio to Shane,  
 19 said call Kevin and get him to get the other  
 20 ones out here, they're fifteen minutes into  
 21 our lunch break, they're over theirs, tell  
 22 them to come finish up. Shane went up and  
 23 took the radio, went downstairs, he found



## FREEDOM COURT REPORTING

Page 153

1 Kevin told him what was going on, me and  
 2 Drake was still working on the breakdown.  
 3 Kevin came up, everything was explained to  
 4 him, told him what he had to do to fix it.  
 5 Drake said, heck with this, he used a  
 6 four-letter word, said, we're going to  
 7 lunch. Kevin said, well, I don't know how  
 8 to fix this. Drake says, you need to step  
 9 up and do your job. We told you how to fix  
 10 it, we're going to lunch. And the other  
 11 shift came out, took the breakdown.

12 When I came in the next night,  
 13 the same thing, Jim Brookshire and Prater  
 14 and them was in there telling me that I had  
 15 walked off of a breakdown and left the line  
 16 down.

17 Q. You said Brookshire was there?

18 A. Yes, sir. Trying to chew me  
 19 out for having a breakdown. Drake seen what  
 20 was going on, come in and to talk to them.  
 21 They said, no, we got this. He called Shane  
 22 in and tried to get Shane to say Leon said  
 23 such and such. Drake come and said this is

Page 154

1 what happened, I'm the one that said what  
 2 you're trying to blame on him, this is how  
 3 it happened. They didn't want to talk to  
 4 Drake, he had to force them to listen.

5 Q. Were you written up or  
 6 anything for that?

7 A. No. I would have been if it  
 8 hadn't been for Drake.

9 Q. Was there another incident  
 10 where you walked off your job to your  
 11 recollection?

12 A. I don't believe so. After  
 13 reading all the stuff from Hyundai,  
 14 apparently they had a lot to say about me.

15 Q. But to your knowledge, this  
 16 incident that you're talking about, was it  
 17 investigated by team relations?

18 A. No. It was investigated by  
 19 Prater, the same one who investigated me for  
 20 supposedly sleeping, and firing me. He did  
 21 the sole investigation.

22 Q. You think Prater did?

23 A. That's what their statements

Page 155

1 are saying.

2 Q. Whose statements?

3 A. Will Ware's and Prater's.

4 Q. Okay.

5 A. That's what he admitted to the  
 6 coworkers after I was fired. This Wendy  
 7 Warner totally bypassed all their own  
 8 policies in their handbook for termination,  
 9 their termination procedure, and fired me  
 10 right off the bat, off someone else's word.  
 11 That's what I'm saying, everybody knew about  
 12 the problem, and everybody supported him on  
 13 every decision he made; they supported  
 14 Applegate, human resources.

15 Q. Can you think of any other  
 16 instances that fit within paragraph 9-E of  
 17 your complaint?

18 A. I don't know. You keep  
 19 asking, there may be something. I don't  
 20 know.

21 Q. That's why I keep asking.

22 A. I don't know. Maybe. I don't  
 23 remember anything else right now at this

Page 156

1 moment.

2 Q. Okay. Paragraph 9-F of the  
 3 complaint talks about having to clean out  
 4 the pit.

5 A. Yes, sir.

6 Q. All right. Let's talk a  
 7 little bit about the pit. Is there just one  
 8 pit at the plant?

9 A. Yes, sir. It's all one big  
 10 system.

11 Q. I mean, is there one pit or  
 12 two pits or three?

13 A. There was one -- After I  
 14 answer this, we've got to go to lunch. My  
 15 stomach is growling.

16 There's a pit under each  
 17 press.

18 Q. All right. So there's more  
 19 than one pit?

20 A. There's two presses and one  
 21 pit under the -- what's that other -- I  
 22 can't remember what that other press is  
 23 called, where it all -- scrap comes from two

## FREEDOM COURT REPORTING

Page 157

1 pits on a metal conveyor and goes down to  
 2 that where it's all crushed into one bale  
 3 and sent out and sold for scrap.  
 4 Q. Okay.  
 5 A. But I was always sent under  
 6 press one or two pit to clean up.  
 7 Q. Okay.  
 8 A. It's a dangerous process.  
 9 Because when you get down there, you have no  
 10 communication with nobody. If anything  
 11 happens to you, you're there until somebody  
 12 decides to come looking for you.  
 13 Q. Let me ask you this: What  
 14 evidence do you have to suggest that anybody  
 15 at Hyundai assigned you to clean the pit to  
 16 try to get you to quit your job?  
 17 A. Because after all this stuff  
 18 come up and my unit sent the letter, it  
 19 wasn't but a few weeks after that, I was  
 20 getting sent down to the pit to clean it, at  
 21 least once, two or three times a week,  
 22 sometimes three or four times a week.  
 23 Wasn't even our responsibility, production

Page 158

1 was supposed to clean the pit.  
 2 Q. Production was supposed to  
 3 clean the pit?  
 4 A. Yes, sir. Like I said, we had  
 5 radios, but when you get to the pit, you  
 6 have no communication.  
 7 Q. Why -- I mean, if somebody  
 8 from production is supposed to clean the  
 9 pit, did anybody from maintenance ever clean  
 10 the pit before you?  
 11 A. Yes, sir.  
 12 Q. All right.  
 13 A. When they would make Prater  
 14 mad.  
 15 Q. Okay.  
 16 A. Or if they made Kevin mad or  
 17 if they made Jim Brookshire mad or if they  
 18 made Craig Stapley mad.  
 19 Q. Those are production guys,  
 20 Brookshire and Stapley?  
 21 A. Doesn't mean nothing though.  
 22 If they told you to go clean the pit, you  
 23 had to go clean the pit.

Page 159

1 Q. So am I right, that the pit,  
 2 it wasn't like something that was cleaned on  
 3 schedule?  
 4 A. No, sir. Well, it was  
 5 supposed to be but, no, sir.  
 6 Q. Okay. Wasn't like there was a  
 7 schedule posted on the wall for who was  
 8 supposed to clean it when and that kind of  
 9 stuff?  
 10 A. No, sir. That was a  
 11 production thing. But it didn't turn out to  
 12 be a production thing.  
 13 Q. How many times do you think  
 14 you had to clean the pit?  
 15 A. God, I don't know. Like I  
 16 said, several weeks, at least two, three,  
 17 four times a week.  
 18 Q. How often --  
 19 A. Huh?  
 20 Q. How often would your coworkers  
 21 in maintenance clean it?  
 22 A. Nowhere near -- Mark Hanks  
 23 cleaned it once I think.

Page 160

1 Q. Okay.  
 2 A. Other than that, I don't  
 3 remember anybody being singled out to go  
 4 clean it.  
 5 Q. Did anybody clean it as often  
 6 as you did?  
 7 A. No, sir.  
 8 Q. Did anybody clean it more than  
 9 you did?  
 10 A. No, sir.  
 11 Q. And other than Mark Hanks  
 12 cleaning it once, can you think of anybody  
 13 else who had to clean it one or more times?  
 14 A. Not individually. Sometimes  
 15 he'd send a whole shift down there once  
 16 every three or four months to clean it.  
 17 Q. And is it your testimony the  
 18 pit got cleaned based purely on somebody  
 19 like Hughes or Prater or Brookshire or  
 20 Stapley telling you or your coworkers to go  
 21 do it?  
 22 A. Yes, sir.  
 23 Q. All right. Let's say if you

40 (Pages 157 to 160)

## FREEDOM COURT REPORTING

Page 161

1 were working on -- is the -- Are the presses  
2 numbered one and two?

3 A. Yes, sir.

4 Q. Would your maintenance duties  
5 be assigned to either press one or press two  
6 on a given shift?

7 A. There was maintenance  
8 personnel on my shift assigned to those  
9 presses. That wasn't even my area of  
10 responsibility.

11 Q. Okay. What was your area of  
12 responsibility?

13 A. SOPS.

14 Q. Okay.

15 A. When we came in, we was told  
16 to get our tool bags, get the brief from the  
17 off-going shift, and go to our areas of  
18 responsibility. Mark Hanks had to stay on  
19 press one, Darrel Gray press two, Drake  
20 Barefoot on that other stamping press, I  
21 can't remember what it was called, Chris  
22 Weihe had to handle ASRS, and I had the  
23 SOPS, and Shane was a floater.

Page 162

1 Q. Okay.

2 A. And I ended up running the  
3 SOPS for the production people; I went above  
4 and beyond my spectrum of duty. I was  
5 supposed to be there for breakdowns. If it  
6 broke down, I was supposed to fix it. They  
7 was only allowed to run so many parts, like  
8 so many Sonata right side outers, they get  
9 to running good and they'd run way over  
10 their quota. I'd have to go up there and  
11 operate the system for them so they could do  
12 that. I became instead of -- basically a  
13 production worker. And if I hadn't have  
14 done it, they wouldn't have ran. So it  
15 ain't like I was a slouch. I could have  
16 said, no, that's not my scope of duty. I  
17 helped out. You can ask production, I even  
18 went back there sometimes and I'd help them  
19 catch panels if they was getting in a bind.

20 Q. In your complaint it says you  
21 cleaned the pit almost daily some weeks; is  
22 that true?

23 A. Yes, sir.

Page 163

1 Q. And that's five days a week?

2 A. Sometimes it's seven days a  
3 week.

4 Q. Sometimes seven days a week.

5 A. We'd work a weekend off,  
6 weekend on. Sometimes we might get a Sunday  
7 off. I mean, I never cleaned it seven days  
8 in a row, no.

9 Q. Okay.

10 A. Even after I complained about  
11 it.

12 Q. Did you clean it five days in  
13 a row?

14 A. Fricken Applegate told me  
15 don't worry about it, it all pays the same.

16 Q. Did you ever clean it five  
17 days in a row?

18 A. I may have. I don't know. I  
19 mean, I cleaned it so many times so much, I  
20 don't know.

21 Q. Is it your testimony that you  
22 cleaned it significantly more than any of  
23 your coworkers?

Page 164

1 A. Yes, sir. And they'll tell  
2 you that.

3 Q. Okay.

4 A. As they told -- I believe -- I  
5 don't know, you'd have to ask the lawyer who  
6 interviewed the three.

7 Q. I've talked to him.

8 Anyway, let me ask you this,  
9 in paragraph ten it says: Applegate wrote  
10 up about each and every action by Prater and  
11 Hughes. He stood behind each and every  
12 decision they made in running the stamping  
13 department and refusing to act on or even  
14 investigate complaints to Applegate about  
15 Prater and Hughes.

16 We've talked a lot about what  
17 Applegate said in terms of it's Prater's  
18 department and he runs it. Is there more to  
19 that story than you and I have talked about  
20 so far?

21 A. No. Like I said, even if I  
22 complained about cleaning the pit all the  
23 time, and Applegate asked me, said, what's

## FREEDOM COURT REPORTING

Page 165

1 it to you, it all pays the same? I said,  
2 well, it seems funny after this letter came,  
3 all of a sudden I'm cleaning the pit all the  
4 time. He said, well, that letter don't have  
5 nothing to do with this, it's just a  
6 maintenance thing. I said, well, we don't  
7 normally clean it. Well, it all pays the  
8 same, don't worry about it.

9 Q. Did you talk to him about the  
10 fact that it's typically production that  
11 cleans the pit but they're making  
12 maintenance people clean it?

13 A. Yes, sir.

14 Q. And he said he's okay with  
15 that --

16 A. Don't worry about it, it all  
17 pays the same.

18 Q. In paragraph eleven of your  
19 complaint you say that the harassment --

20 A. Are you ready for chow?

21 Q. Not yet.

22 I mean, if you're ready to go,  
23 we'll go.

Page 166

1 A. I'm hungry.

2 MR. JOHNSON: Y'all ready to  
3 take a break?

4 (Recess taken.)

5 MR. KILBORN: I want to mark  
6 this as --

7 MR. JOHNSON: It's marked as  
8 Exhibit 4.

9 (Whereupon, Defendant's  
10 Exhibit No. 4 was marked  
11 for identification.)

12 MR. KILBORN: Defendant's  
13 Exhibit 4 was just produced about ten  
14 minutes after one, during Leon Dees's  
15 deposition; it should have been produced  
16 before. It's obviously on the subject of  
17 Guard duty; it's obviously on the subject of  
18 human resources; and on the subject of Leon  
19 Dees. And I've asked -- I've told counsel I  
20 want to redepose Wendy Warren on the subject  
21 matter of this e-mail.

22 MR. JOHNSON: Just for the  
23 Record, with respect to Exhibit 4, this was

Page 167

1 the exhibit that came up, was identified  
2 initially by Mr. Dees, which had not been  
3 previously identified in Mr. Dees' discovery  
4 responses by Mr. Dees or his counsel. Once  
5 it was identified by Mr. Dees during his  
6 deposition, we were able to contact the  
7 Hyundai plant and have it faxed to the court  
8 reporter's office. We've now marked it as  
9 Defendant's Exhibit 4 and provided a copy to  
10 Mr. Dees' lawyers, who had not identified it  
11 previously.

12 MR. KILBORN: I also note for  
13 the Record that the letter that Sergeant  
14 Barnes wrote has not been produced, which is  
15 a key letter in this case. And we've asked  
16 that it be produced, that a search be made  
17 for it. That's a letter identified in  
18 Franklin D. Barnes Dees 00002 dated March  
19 26, 2007.

20 MR. JOHNSON: Is that all?

21 MR. KILBORN: That's it. Go  
22 ahead.

23 Q. Mr. Dees, we're going back on

Page 168

1 the Record. I've got a couple of questions  
2 to ask you.

3 We've now marked an exhibit  
4 that you mentioned previously in your  
5 deposition, that we've gone back and gotten,  
6 we've marked as Exhibit Number 4. I know  
7 that you and your lawyers have had an  
8 opportunity to review that exhibit; is that  
9 accurate?

10 A. Yes, sir.

11 Q. Okay. And is that, in fact,  
12 the e-mail that you testified to prior to  
13 our lunch break?

14 A. This is it.

15 Q. Okay.

16 A. 6 February '07. I asked  
17 Mr. Kimball for a meeting, because, like I  
18 said, both times I even had to file the  
19 complaint through my unit. And after  
20 positive results, meeting the first time, we  
21 went there, Prater told us we couldn't talk  
22 to HR. My unit stayed abreast of the  
23 meeting, and it would die back down for a

## FREEDOM COURT REPORTING

Page 169

1 week, and then everything else would kick  
2 back up. Nothing changed over all. I'm  
3 currently working night shift, and we would  
4 greatly appreciate a meeting at your  
5 convenience. And a week or two later I was  
6 fired.

7 Q. Now, if I could just look at  
8 that. Again, this e-mail was sent on  
9 February 6th of '07, does that sound right  
10 to you?

11 A. Yes, sir.

12 Q. At that time, do you know  
13 whether Greg Kimball was actively employed  
14 or on leave from the plant?

15 A. No one had told us he wasn't  
16 there. Like I said, I worked night shift.

17 Q. Did you know him personally?

18 A. Did I know him personally?  
19 You mean away from the plant?

20 Q. No. I mean, did you know him?  
21 You'd know him if he walked into the room  
22 and talked to him?

23 A. Yes, sir.

Page 170

1 Q. Had you talked to him before?

2 A. Yes, sir.

3 Q. Had you talked to him  
4 previously about any issues you may have had  
5 with Greg Prater?

6 A. It wasn't Prater specifically.  
7 Like I said before, he was the very first  
8 person I talked to when I went to HR.

9 Q. Okay. But you didn't talk to  
10 him about Prater specifically?

11 A. Well, about Prater and  
12 Applegate and having a problem with my Guard  
13 duty, yes, sir, I did.

14 Q. Okay. And what -- And I'm  
15 just trying to think back to what we talked  
16 about earlier this morning. I want to make  
17 sure I'm right. That was what you had  
18 testified to earlier, the year before you  
19 got fired in the -- I think you testified in  
20 the fall?

21 A. Do what now?

22 Q. The meeting -- That first  
23 meeting you had with Greg Kimball.

Page 171

1 A. Yes, sir.

2 Q. Was that a meeting -- Was that  
3 the year before you got terminated in that  
4 fall period that you testified to?

5 A. Yes, sir.

6 Q. Okay. And where did that  
7 meeting take place?

8 A. In Greg Kimball's office.

9 Q. Okay. And am I right that  
10 neither you nor Greg Kimball produced  
11 anything in writing after that meeting?

12 A. No, sir.

13 Q. And one of the things that it  
14 says here on Defendant's Exhibit Number 4,  
15 you'd indicate issues that have arisen on my  
16 shift between Greg Prater, Kevin Hughes, and  
17 yourself. What was the issue with Kevin  
18 Hughes?

19 A. Like I stated earlier, Kevin  
20 had a history of jumping on employees.  
21 And --

22 Q. And when you say jumping on  
23 employees, was that having to do with

Page 172

1 military duty or just his style of  
2 management?

3 A. His style of management. I  
4 mean, he had -- he had jumped on two or  
5 three other employees, one of them twice.  
6 He'd get up in their face and holler at them  
7 and bow up on them and intimidate them. And  
8 he did the same thing to me, and I asked  
9 him, I said: Are you bowing up on me? And  
10 he made some comment, and I turned around  
11 and I left.

12 Q. Now, did that have anything to  
13 do with your military service or your  
14 reserve duties or anything like that?

15 A. That particular incident? I  
16 -- I don't know. After the letter came in,  
17 and I started having all these problems is  
18 when Kevin started -- I mean, that's when he  
19 started birddogging me.

20 Q. When who started birddogging  
21 you?

22 A. Kevin Hughes.

23 Q. When did that start?



## FREEDOM COURT REPORTING

Page 173

1 A. After -- Like I said, after my  
2 letter from the unit came in.  
3 Q. Okay. That's the letter from  
4 Sergeant Barnes?  
5 A. Yes, sir.  
6 Q. Do you remember when that  
7 letter came in?  
8 A. As I stated earlier, no, sir.  
9 Q. Do you recall who it was sent  
10 to specifically?  
11 A. Yes, sir. Like I stated  
12 before, Greg Kimball.  
13 Q. Okay. Did you ever talk to  
14 Greg Kimball about whether or not he'd  
15 actually gotten that letter?  
16 A. No, sir, I did not.  
17 Q. Do you have any evidence that  
18 Greg Kimball or anybody else in Hyundai  
19 management received the letter?  
20 A. I said just John Applegate  
21 saying: Don't worry about that letter,  
22 we've seen it, something to that effect. I  
23 don't remember exactly what his words were,

Page 174

1 but, yeah, he admitted the letter was there.  
2 Q. Do you remember when he said  
3 that?  
4 A. I think it was the second  
5 meeting I had with him. I don't remember.  
6 Q. Second meeting with Applegate?  
7 A. Yeah. I mean, I don't know to  
8 be honest. I can't say either way.  
9 Q. How many meetings did you have  
10 with Applegate?  
11 A. I don't know. Two, three.  
12 Whatever I said this morning.  
13 Q. Okay. In your letter to Greg  
14 Kimball that we've marked as Exhibit 4 you  
15 say: I have talked to human resources on  
16 two separate occasions regarding Greg Prater  
17 and also filed a complaint on him through my  
18 National Guard unit.  
19 A. Yes, sir.  
20 Q. Were the two separate  
21 occasions the one time that you talked to  
22 Greg Kimball and then when you talked to  
23 Keisha?

Page 175

1 A. No, sir. The two separate  
2 occasions was what it says, it was two  
3 separate occasions.  
4 Q. But I'm trying to figure out  
5 when those two separate occasions were and  
6 who were they with?  
7 A. What do you mean?  
8 Q. On February 6th you basically  
9 say you had two separate occasions that you  
10 had discussions with human resources; right?  
11 A. Yes, sir.  
12 Q. Okay. I want -- I'm just  
13 trying to figure out if we can pin down when  
14 those were and who you talked to.  
15 A. It's like I stated earlier  
16 this morning, I don't know the exact dates.  
17 That was over a year ago. No, I don't. I  
18 don't know specific dates, times, no, sir.  
19 Q. Do you recall who they were  
20 with?  
21 A. Like I stated this morning,  
22 the first meeting was with Greg Kimball --  
23 Q. Okay. That's one.

Page 176

1 A. -- in HR, and the last two I  
2 believe was with Keisha.  
3 Q. Okay. So other than Greg  
4 Kimball and Keisha, you don't recall having  
5 discussions with anybody in HR?  
6 A. No, sir.  
7 Q. No, sir, I'm wrong or no, sir,  
8 you didn't have meetings with anyone else?  
9 A. No, sir, I don't recall having  
10 meetings with anyone else in HR.  
11 Q. And did Keisha ever say  
12 anything to you that in any way demeaned or  
13 insulted your prior uniformed service?  
14 A. No, sir.  
15 Q. Do you have any reason to  
16 think that Keisha in any way influenced the  
17 decision to terminate your employment?  
18 A. I have no idea who had any --  
19 I don't know. You're standing at work,  
20 somebody comes up and tells you you're  
21 fired, I mean --  
22 Q. Let me ask you this: Do you  
23 have any information to suggest who was

44 (Pages 173 to 176)



## FREEDOM COURT REPORTING

Page 177

1 involved in the decision to terminate your  
2 employment?

3 A. Rephrase.

4 Q. Do you have any knowledge as  
5 to who was involved in the decision to  
6 terminate your employment?

7 A. Nope. I mean -- No.

8 Q. Do you know whether Greg  
9 Prater was involved?

10 A. Well, I read statements that  
11 he wrote.

12 Q. Other than the statements that  
13 he wrote --

14 A. And he told the coworkers that  
15 he did the investigation and it was his  
16 decision.

17 Q. Okay. Who did he say that to?

18 A. My shift. But, they also said  
19 that -- I believe it was that -- I don't  
20 know, how was it phrased?

21 He didn't make the actual --  
22 He can only make a recommendation. The  
23 actual decision had to come from HR.

Page 178

1 Q. Okay. And do you know who in  
2 HR was involved in that decision-making  
3 process?

4 A. No, sir, I do not.

5 Q. Also on Exhibit 4 it indicates  
6 here that -- or you say: There have been  
7 positive results from both meetings and once  
8 again I am seeking your help.

9 What were the positive results  
10 that came from --

11 A. Well, the first time Prater  
12 said: Y'all can't go to HR, that's not in  
13 your chain of command.

14 Q. Okay.

15 A. And I -- Everything with me  
16 was military term acronyms, because that's  
17 all I've ever known, that's how I live my  
18 life. And HR jumped all over him. Like I  
19 said, that was only for their benefit.  
20 Said, yeah, you can talk to us any time you  
21 want. And everything calmed down for a few  
22 days or a week, but then same old routine  
23 kicked in.

Page 179

1 Q. What routine?

2 A. Of getting harassed, are you  
3 going to duty this weekend? Where is your  
4 orders? Are you coming back Monday? Do you  
5 have my orders? You're going to get wrote  
6 up if you miss work.

7 Q. Did Greg Prater ever do  
8 anything other than demand to see orders or  
9 suggest that he was going to write you up if  
10 you missed work?

11 A. As in?

12 Q. You tell me. I just want to  
13 know what he did.

14 A. I mean, other than hounding me  
15 about my orders, harassing me about my duty,  
16 HR and Applegate and basically team  
17 relations and everyone backing him up, that  
18 was pretty much enough.

19 Q. Okay. So would it be fair to  
20 state that that's all that Greg Prater did  
21 or that Applegate or HR did with respect to  
22 your service?

23 A. Well, yeah, I reckon.

Page 180

1 Q. Okay. Now, let's look at  
2 paragraph twelve of your complaint. And I'm  
3 going to mark --

4 MR. SPORT: Matt, do you have  
5 another copy of that?

6 MR. JOHNSON: Yeah. I'm  
7 getting it. Hang on.

8 Q. I'm going to mark as Exhibit 5  
9 a fax cover letter and a letter --

10 (Off-the-Record discussion  
11 was held.)

12 (Whereupon, Defendant's  
13 Exhibit No. 5 was marked  
14 for identification.)

15 Q. All right. Mr. Dees, in  
16 paragraph twelve of your complaint it  
17 references an October 23, 2006, letter from  
18 Sergeant Franklin Barnes --

19 A. I said on or about October 23.

20 Q. On or about October 23, 2006,  
21 Franklin Barnes, of Dees' Guard unit wrote a  
22 letter of instruction to the human resources  
23 department at Hyundai. And if you look at

## FREEDOM COURT REPORTING

Page 181

1 what we've marked as Exhibit 5, that is  
2 apparently a letter from Sergeant Barnes --  
3 it says it's a memorandum for Record.

4 Are you aware of anything else  
5 that Sergeant Barnes produced that was  
6 produced to Hyundai?

7 A. No, sir.

8 Q. And let me -- I won't --

9 A. This is not the actual letter  
10 because he didn't keep a copy of the actual  
11 letter. This is in reference to what he had  
12 stated -- basically stated.

13 Q. Okay. And let me make sure  
14 and --

15 A. On or about 23 October, that's  
16 a military term, if you're not sure of the  
17 date, exact date, that's what we use.

18 MR. JOHNSON: Okay. And let  
19 me make sure, Mr. Kilborn or Mr. Sport,  
20 we've definitely got one and two here, and I  
21 don't want to -- if I'm overlooking or  
22 misunderstanding, the 10/23 letter --

23 MR. SPORT: We have not

Page 183

1 department?

2 A. Yes, sir. It's not the exact  
3 same letter, no. Sergeant Barnes didn't  
4 keep a copy of the letter that was sent.

5 Q. Did he send a copy to you?

6 A. No, sir. I didn't ask him to.

7 Q. Well, regardless of what you  
8 asked him to do, did he send one?

9 A. No, sir.

10 Q. Okay. Do you know if he sent  
11 one to anybody else?

12 A. No, sir.

13 Q. And you -- Do you know if -- I  
14 want to make sure I understand. Did he keep  
15 a copy and lost it or did he not keep a copy  
16 to your knowledge?

17 A. To my knowledge, he did not  
18 keep a copy.

19 Q. Okay.

20 A. And it not being an official  
21 government document, he wasn't required to  
22 keep a copy.

23 Q. Okay. Then is it your

Page 182

1 produced it because we don't have a copy of  
2 it.

3 MR. JOHNSON: Okay.

4 MR. SPORT: It's our  
5 understanding that Mr. Barnes cannot locate  
6 a copy of it. Based on his notes, and it  
7 would roughly correspond, I believe, to  
8 Mr. Dees' drill date of that month, that  
9 that's when he wrote the letter. And based  
10 on that, we're requesting that letter from  
11 human resources.

12 MR. JOHNSON: All right.

13 So --

14 MR. SPORT: Is that what you  
15 were asking?

16 MR. JOHNSON: I think so.

17 Thank you.

18 MR. SPORT: Okay.

19 Q. So, Mr. Dees, it's at least my  
20 understanding that what we've got here as  
21 Exhibit 5, that's different from the letter  
22 we were talking about earlier that was sent  
23 by Mr. Barnes to the human resources

Page 184

1 testimony it wasn't an official government  
2 document?

3 A. It was a letter -- When you  
4 have a problem, you go to your unit.

5 Q. Okay. And he was actually  
6 your subordinate in the unit; correct?

7 A. Yes, sir. But he's the full  
8 time AGR person, so it's his job to take  
9 care of stuff like that.

10 Q. Okay. Did you ask anyone who  
11 you were subordinate to to write you a  
12 letter like that?

13 A. No, sir, I did not. I went to  
14 the unit, I talked to Sergeant Barnes.  
15 Sergeant Barnes called Sergeant Richberg my  
16 superior. Sergeant Richberg was the senior  
17 man, he's retired now, that was off Sergeant  
18 Richberg's recommendations.

19 Q. Okay. Tell me Sergeant  
20 Richberg's full name?

21 A. Wendell Richberg.

22 Q. And do you know where he  
23 lives?

## FREEDOM COURT REPORTING

Page 185

1 A. Anniston.  
 2 Q. Anniston. Have you spoken to  
 3 him since this lawsuit was filed?  
 4 A. Friday night.  
 5 Q. Okay. Did y'all talk about  
 6 this lawsuit?  
 7 A. No, sir.  
 8 Q. Did you talk about your  
 9 deposition at all?  
 10 A. No, sir.  
 11 Q. Okay. What about Sergeant  
 12 Barnes, do you still talk to him?  
 13 A. Every month at Guard. He  
 14 works for me.  
 15 Q. At Guard duty. Okay. And,  
 16 again, going back to Exhibit 5 that we've  
 17 marked today, is the second page of that a  
 18 memo that you're familiar with?  
 19 A. The actual letter?  
 20 Q. Yes.  
 21 A. Yes, sir.  
 22 Q. You're familiar with that?  
 23 A. I read it once.

Page 186

1 Q. Did you read it before  
 2 Sergeant Barnes sent it?  
 3 A. No, sir, I do not.  
 4 Q. Do you know if Sergeant Barnes  
 5 sent it to anybody?  
 6 A. Sergeant Barnes told me that  
 7 he sent it to Greg Kimball.  
 8 Q. He said he sent it to Greg  
 9 Kimball?  
 10 A. Yes, sir.  
 11 Q. Did he indicate he had sent it  
 12 to anybody other than Greg Kimball?  
 13 A. No, sir.  
 14 Q. Did he send a copy to you?  
 15 A. No, sir.  
 16 Q. I assume he saved a copy of  
 17 this?  
 18 A. No, sir.  
 19 Q. Do you know where this -- this  
 20 copy came from?  
 21 A. Sergeant Barnes retyped it.  
 22 You'll have to ask Sergeant Barnes this  
 23 info. This, I do not know.

Page 187

1 Q. He retyped this memo?  
 2 A. I'm just assuming. Like I  
 3 said, you'll have to ask Sergeant Barnes  
 4 this information.  
 5 Q. Okay.  
 6 A. I'm not going to sit here and  
 7 answer for him because I don't know.  
 8 Q. I want to know what you know.  
 9 Do you know whether or not this is a retyped  
 10 memorandum or something he'd done --  
 11 A. No, sir, I do not know. Like  
 12 I stated, I do not know. You'll have to ask  
 13 Sergeant Barnes, and he'll be glad to talk  
 14 to you.  
 15 Q. Do you know where this copy  
 16 came from?  
 17 A. Sergeant Barnes. It's got his  
 18 signature on it.  
 19 Q. So I'm assuming Sergeant  
 20 Barnes kept a copy of this one?  
 21 A. Apparently so. I don't know  
 22 that for sure either. I'm not going to say  
 23 either way.

Page 188

1 Q. And not a copy of the other  
 2 one?  
 3 A. Well, the other one shouldn't  
 4 have been a problem. He has to do it for  
 5 civilian law enforcement officers. I mean,  
 6 he didn't think nothing about it.  
 7 Q. Did you ask him to prepare  
 8 this Exhibit Number 5?  
 9 A. I asked him if he had a copy  
 10 of the letter he sent. He said he would  
 11 check and see. And he said he did not have  
 12 a copy. I said, look, what did you write?  
 13 I said I need a letter about what you said,  
 14 and that's what he produced. Anything other  
 15 than that, you'll have to ask Sergeant  
 16 Barnes.  
 17 Q. Okay. So from what you're  
 18 telling me, either he told you he couldn't  
 19 find one, and then he found it --  
 20 A. No, sir. He did not find it.  
 21 I never said he found it. I said he did not  
 22 find it.  
 23 Q. Okay. That's fine.

## FREEDOM COURT REPORTING

Page 189

1 To your knowledge, was this  
2 done on March 26th originally?  
3 A. I have no idea.  
4 Q. Okay. Do you have any idea  
5 when he initially prepared it?  
6 A. No, sir.  
7 Q. All right. And was -- The  
8 first page of Exhibit 5 is to Mrs. Dees, I  
9 assume that's your wife?  
10 A. Yes, sir.  
11 Q. Was this faxed to some fax  
12 numbers of hers or at her office somewhere?  
13 A. Yes, sir.  
14 Q. Did you ask Sergeant Barnes to  
15 send it to your wife?  
16 A. Yes, sir.  
17 Q. And was it at her office?  
18 A. Yes, sir.  
19 Q. Where does she work?  
20 A. Peachtree Bank in Maplesville,  
21 Alabama.  
22 Q. So to your knowledge, Sergeant  
23 Barnes sent this to her bank?

Page 190

1 A. Yes, sir.  
2 Q. And did she bring it home to  
3 you?  
4 A. Yes, sir.  
5 Q. And it looks like it was faxed  
6 on March 26th; is that accurate?  
7 A. Yes, sir.  
8 Q. And do you recall whether that  
9 was when you got it or not?  
10 A. Yeah. She got it that day,  
11 she brought it home that evening, yes, sir.  
12 Q. All right. Had you talked to  
13 Sergeant Barnes that day?  
14 A. I don't know. I don't know.  
15 Q. Okay. Do you remember talking  
16 to Sergeant Barnes asking him to send you  
17 some sort of memorandum for the Record or  
18 something telling what he had done in the  
19 past?  
20 A. Yes, sir.  
21 Q. Did he fax this to you on the  
22 same day or did this take place at a later  
23 time?

Page 191

1 A. I don't know.  
2 Q. Okay. Do you know if Sergeant  
3 Barnes ever called Hyundai's HR department  
4 for any reason?  
5 A. Not to my knowledge.  
6 Q. Okay. Had you provided him  
7 with Greg Kimball's name?  
8 A. Yes, sir.  
9 Q. Did you provide him with Greg  
10 Kimball's address or fax number or anything  
11 like that?  
12 A. Address to the plant.  
13 Q. Just the plant address?  
14 A. Yes, sir. Attention Greg  
15 Kimball.  
16 Q. Okay. In paragraph thirteen  
17 of your complaint you say: After the letter  
18 from Sergeant Barnes was sent to Hyundai,  
19 the incidences of harassment outlined above  
20 escalated.  
21 Let me ask you that: Is that  
22 accurate?  
23 A. Yes, sir.

Page 192

1 Q. How did they escalate?  
2 A. I mean, it went from every  
3 other day I was being called on the carpet.  
4 I mean --  
5 Q. Called on the carpet for what?  
6 A. Anything he could make up,  
7 they could make up, everything.  
8 Q. What would they make up?  
9 A. The daily reports, and I  
10 believe that was in there somewhere, where I  
11 didn't turn in my daily report where I  
12 actually filled it out but I worked over,  
13 and it was still in the book, I just didn't  
14 drop it off in the box. And I was being  
15 threatened on a write-up when there were  
16 several other team members on both shifts  
17 who hadn't turned in a daily report in over  
18 a month. That was just one example.  
19 Q. Well, during that period, were  
20 -- were you ever suspended for any reason?  
21 A. No, sir. They ignored their  
22 whole firing process. I was never written  
23 up, to my knowledge.

48 (Pages 189 to 192)

## FREEDOM COURT REPORTING

Page 193

1 Q. Okay.

2 A. They went against their own  
3 program, their own handbook, their own  
4 system.

5 Q. Okay. Just so I understand,  
6 how did they do that?

7 A. Well, supposedly there's a  
8 system, a process, you have to go through to  
9 get fired. Several steps in between. I  
10 went from zero to fired.

11 Q. So when you say they  
12 disregarded the steps, you're talking about  
13 your termination?

14 A. Their own firing process.  
15 It's not my termination. That's their  
16 process that they came up with, that they  
17 said they would abide by that they threw out  
18 the window.

19 Q. Okay. Also in paragraph  
20 thirteen you say that on or about February  
21 26, 2007, Prater got the stamping manager,  
22 Jim Brookshire to falsely accuse Dees of  
23 sleeping on the job.

Page 194

1 A. February 26th was the day I  
2 was terminated. I believe, like you said,  
3 it was the 19th. I'm not sure, it was the  
4 week before that.

5 Q. Okay. So you put -- Do you  
6 know why it says the 26th? Is it for any  
7 reason other than that's the day you were  
8 terminated?

9 A. Yes, sir.

10 Q. Do you have any personal  
11 knowledge that Greg Prater tried to get Jim  
12 Brookshire to say that you were sleeping?

13 A. I don't know. Prater wasn't  
14 even there that night. It was Jim  
15 Brookshire.

16 Q. So you agree Prater wasn't  
17 even there that night?

18 A. No, he wasn't. It was on a  
19 night shift.

20 Q. Okay. So if Greg Prater  
21 wasn't at the plant the night that Jim  
22 Brookshire made the allegations, how is it  
23 that you say that Prater tried to convince

Page 195

1 Brookshire to make those allegations?

2 A. Well, I mean -- I'm not sure  
3 how he -- what went on. I know I was  
4 standing up there in my area that I was  
5 supposed to be in, with one of my coworkers,  
6 who had left me standing out there in plain  
7 site on a wire mesh floor where everybody  
8 can see, not five minutes before I was  
9 accused of sleeping. And I read Will Ware's  
10 statements where Jim Brookshire said he  
11 never saw my eyes closed. And the next  
12 thing I know, I'm getting fired for sleeping  
13 on duty. If I sleep on duty, he's saying  
14 this ain't a military thing, he was always  
15 referring to military things, every time  
16 someone talked to me, they put it in a  
17 military perspective. If I didn't live my  
18 life in a military manner, why would they do  
19 that? If I sleep on duty on post, I die.

20 That's not the most important thing. If I  
21 sleep on duty on post, my men die, that's  
22 the most important thing. I live my  
23 civilian life just like I do my military

Page 196

1 life. Just because for the same reason --  
2 Just like is fixing to happen next year, I  
3 am going back to Iraq. If I slough off in  
4 my civilian life, I slough off in my  
5 military life. I don't do that.

6 Q. Okay. Let me ask you this:  
7 Do you know the night that Jim Brookshire  
8 allegedly made the allegations he saw you  
9 sleeping?

10 A. Yes. I don't remember the  
11 exact date. I think it was around the 19th.  
12 But the exact incident, yes, sir, I remember  
13 it.

14 Q. So you know the incident?

15 A. Yes, sir.

16 Q. And you agree Greg Prater  
17 wasn't on duty that night?

18 A. No, sir, he was not.

19 Q. Wasn't at the plant?

20 A. No, sir.

21 Q. Do you even know whether he  
22 worked the next day?

23 A. I don't know.



## FREEDOM COURT REPORTING

Page 197

1 Q. Okay. Do you know whether --  
2 Do you have any evidence to suggest that he  
3 and Jim Brookshire had talked before that  
4 night about accusing you of something?

5 A. If I had it, you would have  
6 it.

7 Q. Okay. So, but, again, I just  
8 want to make sure. Okay?

9 A. Like I say, you're the one  
10 that's talked to them. You'll have to go  
11 ask them.

12 Q. Let me ask you this: You're  
13 not aware of any evidence to suggest Greg  
14 Prater told Jim Brookshire to make up some  
15 allegations before that night, and Greg  
16 Prater wasn't there that night, and you  
17 don't know whether Greg Prater even worked  
18 the next day, what evidence do you have to  
19 suggest that Greg Prater told Jim Brookshire  
20 what to do, or when to do it, or how to do  
21 it?

22 A. I don't have any evidence of  
23 Prater and Jim corroborating or whatever you

Page 199

1 the evening in question?

2 A. Yes, sir.

3 Q. All right. How is it you know  
4 when Jim Brookshire made those allegations?

5 A. I saw him and Kevin Hughes  
6 standing down on the floor pointing up at me  
7 and Shane.

8 Q. Pointing up at you where?

9 A. Up in my area of  
10 responsibility. They said that I was  
11 supposedly sleeping up in the SOPS. It's  
12 about -- It's what they call the third  
13 floor. And there's an open wire mesh floor  
14 right there. You can't hide. And Shane  
15 walked downstairs, and I let my guard down.  
16 I had a brain cramp. And it wasn't five  
17 minutes, here come Jim walking up the  
18 stairs, walking around the back, looked over  
19 at me about fifty foot away, walked down,  
20 looked out over the presses, came back,  
21 looked at me again. I watched him, I  
22 watched him walk all the way back down the  
23 stairs. When he did, I got up and walked

Page 198

1 want to call it.

2 Q. Okay. Well, you would agree  
3 that that's not consistent with what's  
4 contained in your complaint?

5 A. Did Prater and Brookshire  
6 stick together on everything? Yes.

7 Q. In other words, they're  
8 consistent?

9 A. Yeah. I mean, if Prater said  
10 something, Brookshire backed him up;  
11 Brookshire said something, Prater backed him  
12 up.

13 Q. Okay. But where you've  
14 indicated in your complaint that Prater got  
15 the production staffing manager, Jim  
16 Brookshire, to falsely accuse Dees of  
17 sleeping on the job, what evidence do you  
18 have that Prater did that?

19 A. Like I said before, I don't  
20 have none. If I did, you'd have it.

21 Q. Okay. Thank you.

22 And am I correct that on the  
23 evening of -- Well, you indicated you know

Page 200

1 downstairs.

2 Q. Okay. Were you sitting down?

3 A. Yes, sir, I was. I was trying  
4 to text message my daughter.

5 Q. You were text messaging your  
6 daughter?

7 A. I was trying to, yes, sir, I  
8 was.

9 Q. So you had your phone in your  
10 hand?

11 A. Yes, sir, I did.

12 Q. Were you looking down into  
13 your lap at the phone? Or how did you have  
14 your phone?

15 A. I had my phone right here  
16 (indicating). Like I said, I watched him  
17 walk up the stairs, and I watched him. We  
18 made eye contact, he kept walking. So I  
19 went back to text messaging. He come back,  
20 I looked up at him again, and I watched him  
21 walk all the way down. I closed my phone, I  
22 got up, and I went down.

23 Q. Did you actually send someone

50 (Pages 197 to 200)



## FREEDOM COURT REPORTING

Page 201

1 a text message?  
 2 A. I tried. No, I couldn't get  
 3 out.  
 4 Q. What do you mean you couldn't  
 5 get out?  
 6 A. Depending on the weather and  
 7 where you was at, sometimes you could get a  
 8 good signal in the plant and sometimes you  
 9 couldn't.  
 10 Q. Would there be any records to  
 11 support whether or not you actually made a  
 12 text message that evening?  
 13 A. I've got my phone bill, but,  
 14 no, I told you, I didn't get out.  
 15 Q. Okay. So is it your testimony  
 16 you had the phone in your hand, you were  
 17 pressing buttons, but nothing was happening?  
 18 A. Pretty much it.  
 19 Q. Were you wearing a hard hat?  
 20 A. No, sir. We wear ball caps  
 21 with a little plastic insert. And it was  
 22 sitting on the spool beside me, spool of  
 23 cable.

Page 202

1 Q. So you were not wearing a ball  
 2 cap?  
 3 A. No, sir.  
 4 Q. Were you wearing any sort of  
 5 eye protection or anything like that?  
 6 A. They were in my hard hat.  
 7 Q. Hard hat or ball cap?  
 8 A. Ball cap.  
 9 Q. Did you have a hard hat with  
 10 you?  
 11 A. No. They don't wear hard  
 12 hats.  
 13 Q. They don't wear them anywhere?  
 14 A. Not to my knowledge, no.  
 15 Q. In the whole plant?  
 16 A. Some people may, but I was  
 17 stuck in my section, I don't know.  
 18 Q. And your section was  
 19 somewhere?  
 20 A. Stamping maintenance.  
 21 Q. So to your knowledge, in  
 22 stamping maintenance they don't wear hard  
 23 hats?

Page 203

1 A. No, sir. They wear a ball  
 2 cap, what they call a bump cap, little  
 3 plastic insert.  
 4 Q. Okay. And during the period  
 5 in which you saw Jim Brookshire up on that  
 6 third floor, I mean, you saw Jim Brookshire  
 7 on the third floor?  
 8 A. Yes, sir. I watched him walk  
 9 up, around, and back down.  
 10 Q. Was this after Shane Archer  
 11 had left?  
 12 A. About five minutes after Shane  
 13 left.  
 14 Q. Five minutes. Do you recall  
 15 it being five minutes? That was a long time  
 16 ago.  
 17 A. It wasn't long. Like I said,  
 18 me and Shane had just been standing there  
 19 wondering why they were standing down on the  
 20 floor pointing up at us talking.  
 21 Q. Okay. Do you remember what  
 22 time it was you saw them down on the floor  
 23 pointing up at you?

Page 204

1 A. It was before chow.  
 2 Everything happened before chow that night.  
 3 Q. What time is chow?  
 4 A. I believe it was -- I think it  
 5 was eleven thirty that night, eleven thirty  
 6 or eleven forty-five.  
 7 Q. What time did you get to work?  
 8 A. I don't know. You would have  
 9 to -- Y'all got that.  
 10 Q. What time did you usually  
 11 start?  
 12 A. It depended whether I was  
 13 coming in early that night or late that  
 14 week.  
 15 Q. What's the latest you would  
 16 have gotten there?  
 17 A. I believe it was six or seven.  
 18 Q. P.m.?  
 19 A. I think.  
 20 Q. Okay. And starting at six or  
 21 seven, whenever you got there --  
 22 A. Six to four forty-five and  
 23 seven to five forty-five.

51 (Pages 201 to 204)

## FREEDOM COURT REPORTING

Page 205

1 Q. All right.  
 2 A. But we always had to be there  
 3 early.  
 4 Q. So you would have been there  
 5 sometime slightly before six or seven?  
 6 A. Yes, sir.  
 7 Q. All right. So you get there a  
 8 little bit before six or seven. Do you go  
 9 to the -- is there an office for stamping  
 10 maintenance?  
 11 A. That's where our lockers are  
 12 at.  
 13 Q. All right. So would you  
 14 usually go to your locker first?  
 15 A. Yes, sir.  
 16 Q. All right. Do you remember  
 17 doing that on the night in question?  
 18 A. I did it every night. That's  
 19 where my tools was locked up.  
 20 Q. So you would go get your tools  
 21 to start the day?  
 22 A. Yes, sir.  
 23 Q. And on the evening in

Page 207

1 A. Second and third floor.  
 2 Q. Second and third floor.  
 3 A. And if they was running them,  
 4 it could be on the first floor too.  
 5 Q. All right. Did you go to the  
 6 second floor that night?  
 7 A. Right off the bat?  
 8 Q. Yeah.  
 9 A. Probably not. I probably went  
 10 and got the brief from the off-going shift.  
 11 Q. What is that? Is that  
 12 something telling you what to do?  
 13 A. Like I said earlier this  
 14 morning, we go get our tools, go talk to  
 15 people on the off-going shift, find out if  
 16 there's any breakdowns, anything, any major  
 17 events we needed to know about or look out  
 18 for.  
 19 Q. How long does that usually  
 20 take?  
 21 A. If nothing happened, two  
 22 seconds. Give me your radio. Bye, y'all  
 23 take it easy.

Page 206

1 question, did you go immediately from  
 2 getting your tools to a meeting with Greg  
 3 Prater or Kevin Hughes or anybody like that?  
 4 What did you do?  
 5 A. We didn't have meetings.  
 6 Q. Okay.  
 7 A. We'd get our tools and --  
 8 Q. How did you know what to do?  
 9 A. I mean, it's just standard.  
 10 Everybody -- We'd come in, we'd get our  
 11 tools, we'd go to work. I mean --  
 12 Q. But how did you --  
 13 A. -- that was the norm.  
 14 Q. How did you know what to work  
 15 on?  
 16 A. We didn't work on nothing. If  
 17 nothing wasn't broke down, we would go to  
 18 our area of responsibility.  
 19 Q. So you would just go to an  
 20 area that you were responsible for?  
 21 A. An area I was assigned.  
 22 Q. And that was the SOP section  
 23 up on third floor?

Page 208

1 Q. Would you share a radio with  
 2 the off-going shift?  
 3 A. Yes, sir.  
 4 Q. Do you know who your  
 5 counterpart is on the off-going shift or who  
 6 was on the evening in question?  
 7 A. They didn't really have  
 8 assigned areas like we did, I don't think.  
 9 I mean, it would be different people.  
 10 Sometimes it would be Duane Tatum, or  
 11 sometimes it would be Lance Honeycutt, or --  
 12 I can't remember the other guy's name.  
 13 Q. All right. Well, that's okay.  
 14 Once y'all sort of made the  
 15 shift change and talked with the off-going  
 16 guys, you would go to your work area;  
 17 correct?  
 18 A. Yes, sir.  
 19 Q. And on the evening in  
 20 question, you think that would have been  
 21 immediately up to the third level?  
 22 A. Maybe not. Not if they was  
 23 running. If they was running, we would be

52 (Pages 205 to 208)

## FREEDOM COURT REPORTING

Page 209

1 over at the press and see how they were  
 2 running and make sure the trolleys were  
 3 switching out right.  
 4 Q. Do you remember what you did?  
 5 A. No.  
 6 Q. You can't remember?  
 7 A. I remember the weather was bad  
 8 that night. There had been a couple of  
 9 nights that week the weather was bad, so I  
 10 don't -- several nights we had to go to the  
 11 storm shelters, like the pit and bathrooms,  
 12 because of the weather. So, no.  
 13 Q. Do you remember having to go  
 14 to the storm shelter on the evening we're  
 15 talking about?  
 16 A. I don't know if it was that  
 17 evening or a couple of evenings before.  
 18 Q. Okay. Do you remember when  
 19 you first went up to the third level on the  
 20 evening we're talking about?  
 21 A. Me and Shane went up there --  
 22 at the time the incident occurred, me and  
 23 Shane had gone up there because we had to

Page 211

1 got the system back online.  
 2 Q. How long did that take?  
 3 A. Not long. I don't know to be  
 4 honest.  
 5 Q. Okay. And so when you got the  
 6 trolleys back online, is that when Shane  
 7 Archer went downstairs?  
 8 A. After we talked about Jim and  
 9 Kevin pointing up at us talking.  
 10 Q. Okay. So you and Shane Archer  
 11 had a conversation where y'all talked about  
 12 Jim Brookshire and Kevin Hughes looking up  
 13 at you?  
 14 A. Yes, sir.  
 15 Q. And pointing?  
 16 A. Yes, sir. It was basically  
 17 what are they doing? Why are they pointing  
 18 up here? I don't know.  
 19 Q. And was that before midnight?  
 20 A. Yes, sir.  
 21 Q. And how much -- How long after  
 22 that was it that Jim Brookshire came  
 23 upstairs?

Page 210

1 pull trolleys.  
 2 Q. Pull trolleys?  
 3 A. Yes, sir. Because we had a  
 4 problem.  
 5 Q. Just so -- I think I know what  
 6 you're talking about, but when you say pull  
 7 trolleys, is that when part of that conveyor  
 8 system gets off line or something, and you'd  
 9 have to go straighten it out?  
 10 A. If you know what I'm talking  
 11 about, yeah, the things that ride the rails,  
 12 that's the trolleys.  
 13 Q. Okay. Does that just mean one  
 14 of those got offline and you had to correct  
 15 it?  
 16 A. Yes, sir.  
 17 Q. Okay. And when you went up  
 18 there with Shane Archer, was that when you  
 19 looked down and saw Kevin Hughes and Jim  
 20 Brookshire looking up at you or was that  
 21 later in the evening?  
 22 A. No. It was at that instant.  
 23 We had just finished pulling a trolley, just

Page 212

1 A. Like I said earlier, no more  
 2 than five minutes.  
 3 Q. All right. And was it unusual  
 4 to see him walking around up there?  
 5 A. Yes, sir. It was very unusual  
 6 to see him walking around up there unless  
 7 something was bad broke down.  
 8 Q. Okay. Do you recall seeing  
 9 him up there more than that one time on that  
 10 evening?  
 11 A. No, sir.  
 12 Q. No?  
 13 A. No, sir.  
 14 Q. Do you recall when Jim  
 15 Brookshire walked up there, was there  
 16 anybody else on the third level?  
 17 A. No, sir.  
 18 Q. Just you and him?  
 19 A. Yes, sir.  
 20 Q. Have you talked to anybody  
 21 else who talked to Jim Brookshire about what  
 22 he had gone up there for?  
 23 A. No, I don't guess I have.

53 (Pages 209 to 212)

## FREEDOM COURT REPORTING

Page 213

1 Q. Okay. And did you talk to Jim  
2 Brookshire?

3 A. That night, no. And then  
4 later on, huh-uh.

5 Q. When he walked up there and  
6 you saw him, did you say anything to him?

7 A. No, sir. Like I said he  
8 was -- I was there at an MCC panel, and he  
9 was up, I don't know, forty-five, fifty foot  
10 away over there on the handrail.

11 Q. Okay. Did you wave at him or  
12 motion to him at all?

13 A. No, sir. I just looked at  
14 him.

15 Q. You looked at him?

16 A. Yes, sir. He looked at me and  
17 walked down to the presses, looked out over  
18 the presses, then walked back, looked at me  
19 again, and walked back down.

20 Q. What was the closest he got to  
21 you?

22 A. Like I say, forty-five, maybe  
23 fifty feet.

Page 214

1 Q. Now, what was the thing you  
2 said you were near?

3 A. Motor control panel, MCC  
4 panel.

5 Q. MCC panel. Now, is that --  
6 What is that?

7 A. It houses the PLC, computer  
8 that runs the SOPS system.

9 Q. Okay. That's helpful. Thank  
10 you. What is the PLC?

11 A. Programmable logic computer.

12 Q. Just for the sake of the  
13 record, what does SOP mean?

14 A. SOP is the trolley system,  
15 side outer panel system.

16 Q. Okay. Again, what was the  
17 thing that you were standing near?

18 A. MCC.

19 Q. Is the MCC, is it like a  
20 computer, it has got computer readouts on  
21 it, buttons and stuff?

22 A. It's not a computer like  
23 you're thinking of. It's got cards and it

Page 215

1 -- Yes, it is a computer, but it doesn't  
2 have a screen and the keys -- keyboards are  
3 like what you're thinking. You have to get  
4 online with it.

5 Q. How big is it?

6 A. It's probably about ten-foot  
7 long, two-foot deep, six-foot high.

8 Q. Okay. Does it have doors that  
9 enclose it or some sort of cover or  
10 anything?

11 A. Yes, sir.

12 Q. What's it got?

13 A. It's got doors.

14 Q. Okay. How big are the doors?

15 A. About like that door there  
16 (indicating).

17 Q. Okay. Just for the sake of  
18 the Record, that's not going to translate  
19 well on paper. Are there two doors to the  
20 whole thing?

21 A. No. There was four -- four  
22 doors.

23 Q. So they would have each been

Page 216

1 about a fourth of that ten-foot length?

2 A. Yes, sir.

3 Q. Okay.

4 A. Plus you had your stabs in  
5 between.

6 Q. What is a stab?

7 A. Just your door frame.

8 Q. Okay. Now, at the time Jim  
9 Brookshire came up there, did you have your  
10 back to the MCC?

11 A. Yes, sir, I did.

12 Q. Okay. Any reason you had your  
13 back to the MCC?

14 A. So I could watch the trolleys.

15 Q. Okay. Were you not up there  
16 to watch the MCC?

17 A. No, sir.

18 Q. Okay. Why would you be there  
19 near the MCC as opposed to some other area  
20 to watch the trolleys?

21 A. Because if you try to sit out  
22 on open mesh, you're going through the  
23 floor.

## FREEDOM COURT REPORTING

Page 217

1 Q. Was it not open mesh there  
2 near the MCC?

3 A. About a two-foot section, no,  
4 sir.

5 Q. A two-foot section was not  
6 open mesh?

7 A. No, sir. But you can clearly  
8 see up there everywhere. And that's where  
9 me and Shane was standing when Jim and Kevin  
10 was standing up there pointing at us talking  
11 about us.

12 Q. Okay. So from where you were  
13 sitting at the time Jim Brookshire came up,  
14 is it your testimony that you could see from  
15 where you were sitting all the way down  
16 through the second floor, and then down to  
17 the first floor?

18 A. Yes, sir.

19 Q. And the first floor was the  
20 main production level?

21 A. Yes, sir.

22 Q. Okay. Had you ever sat up  
23 there before?

Page 218

1 A. Everybody had.

2 Q. Okay. And everybody being,  
3 everybody in stamping maintenance or  
4 everybody period?

5 A. Everybody in stamping  
6 maintenance. Because if it goes down, you  
7 may be up there five minutes, you may be up  
8 there five hours.

9 Q. Okay. Let me ask you this:  
10 When Shane Archer -- You and Shane Archer  
11 were up there working together that night?

12 A. Yes, sir. Shane came up to  
13 help me out.

14 Q. When you and Shane had got  
15 done and he walked downstairs, why did you  
16 stay upstairs as opposed to going with  
17 Shane?

18 A. Wait to see if that trolley  
19 stopped again or kept going. They had track  
20 switches, you've seen them. Track switches  
21 switch, they had a track that had gone out  
22 on a track switch, which if you've seen the  
23 system, which I'm sure you have, it may stop

Page 219

1 on this one, go to the next one, but then it  
2 may stop again on the next one. Just  
3 because you get it going for two seconds,  
4 don't mean it's going to be going -- it's  
5 going to take off and run.

6 Q. Okay. So you were going to  
7 stay up there and make sure it kept running?

8 A. Yes, sir.

9 Q. Okay. What were you planning  
10 to do? I mean, how long would you stay  
11 there?

12 A. As long as nothing happened --  
13 Well, that was my area of responsibility. I  
14 could have stayed there all night, and I  
15 would have been right in doing so. I was  
16 told to stay in my area of responsibility  
17 just like everyone else. Like I said, Mark  
18 Hanks, he had to stay on press one, Darrel  
19 Gray, he had to stay on press two, and Weihe  
20 and Barefoot. That was my AO that I was  
21 responsible for.

22 Q. AO meaning what?

23 A. Area of operation, area of

Page 220

1 responsibility.

2 Q. Okay. Did you ever sleep up  
3 on the third level?

4 A. I don't sleep.

5 Q. Ever?

6 A. Ever.

7 Q. On the job?

8 A. I don't sleep on the job, no.

9 Q. Okay.

10 A. I told you if I sleep -- I'm a  
11 career soldier. I've been doing this since  
12 I was seventeen.

13 Q. Doing what? Stamping  
14 maintenance?

15 A. No. I've been a soldier since  
16 I was seventeen, and I don't sleep. You've  
17 got a young Joe out there, yeah, they may  
18 fall asleep every now and then. First big  
19 exercise they have and they wake up with a  
20 black ink mark cross their throat and they  
21 know that they've been visited, and don't  
22 know when or where, you don't sleep no more.  
23 That's real life. When you go to the combat

55 (Pages 217 to 220)



## FREEDOM COURT REPORTING

Page 221

1 zone, you know what happens. You don't  
2 sleep. You sleep, people die.

3 Q. Well, in terms of your work at  
4 Hyundai, I'm assuming your testimony is  
5 you've never slept?

6 A. No, sir.

7 Q. Before that night, on that  
8 night, or since that night?

9 A. No, sir. You don't sleep at  
10 work.

11 Q. Okay. What was it --

12 A. If you sleep at work --

13 Q. Was it unusual for people  
14 working up on that third level to sleep?

15 A. I never saw nobody up there  
16 other than maintenance production go up  
17 there and count the panels.

18 Q. Okay. Did you ever see  
19 anybody from maintenance sleep up there?

20 A. No, sir.

21 Q. Did you ever see any  
22 indication that somebody from maintenance  
23 had slept up there?

Page 222

1 A. Talking about a chair in the  
2 back corner? Yes, sir, there was a chair in  
3 the back corner.

4 Q. Was there a chair in the  
5 corner?

6 A. In that back corner over  
7 there, yes, sir, there was.

8 Q. What kind of chair was it?

9 A. Same kind of chair I was  
10 sitting in, a metal chair.

11 Q. Was that all that was there?

12 A. I believe so.

13 Q. Nothing else in that back  
14 corner?

15 A. No.

16 Q. Do you think somebody was back  
17 there sleeping in that chair?

18 A. I don't know. Wasn't nobody  
19 on my shift was.

20 Q. All right. Did you hear  
21 anybody talking about people from other  
22 shifts sleeping in that corner?

23 A. No, sir.

Page 223

1 Q. And is it your testimony that  
2 nobody from your shift ever indicated that  
3 they or anybody else on your shift slept in  
4 that corner?

5 A. I never talked to nobody on my  
6 shift about sleeping in that corner, no,  
7 sir.

8 Q. Okay. Did you ever talk to  
9 anybody on your shift about sleeping  
10 anywhere up on the third level?

11 A. No, sir. Drake Barefoot would  
12 take his lunch break and go in the office  
13 and sleep. Other than that, no, sir.

14 Q. In the office?

15 A. Yes, sir. During his lunch  
16 break.

17 Q. And is it your testimony that  
18 while you were there, that there was nothing  
19 other than a chair in the back corner?

20 A. I don't remember seeing  
21 nothing other than a chair there.

22 Q. Okay. Do you -- Do you have  
23 any personal knowledge, based on your

Page 224

1 conversations with Wendy Warner at the time  
2 you were terminated or anybody at that time  
3 or before then or after then, to know what  
4 went on at the time the decision to  
5 terminate was made?

6 A. Say again.

7 Q. Let me see if I can come up  
8 with an easier way of asking it.

9 Would it be fair to state you  
10 don't know who was involved in the decision  
11 to terminate you?

12 A. I have no idea who was  
13 involved.

14 Q. Okay. And do you know  
15 anything else about the decision to  
16 terminate you?

17 A. No. Just that statement I  
18 read where Prater said his recommendation  
19 was termination. And that he told Hanks  
20 that he did the investigation.

21 Q. All right. And would it be  
22 fair to state that you don't know whether  
23 Greg Prater sat in on the discussions or



## FREEDOM COURT REPORTING

Page 225

1 decision to terminate you?

2 A. I didn't know they had had a  
3 meeting on it.

4 Q. Okay. Do you have any reason  
5 to think that Greg Prater had any other  
6 involvement on it?

7 A. Like I said, I didn't even  
8 know they had a meeting.

9 Q. Okay. Do you have any  
10 evidence to suggest that your past military  
11 involvement, either in Korea, Iraq, National  
12 Guard, was a motivating factor in the  
13 decision to terminate you?

14 A. That's the way it seemed.

15 Q. And it seemed that way why?

16 A. Because every bit of that  
17 stemmed from my prior duty commitment.  
18 Everything stemmed around my drill weekends.

19 Q. What stemmed?

20 A. All the problems, all the  
21 harassments.

22 Q. I'm talking about the actual  
23 decision to terminate you.

Page 227

1 Q. How was it that was part of  
2 your termination?

3 A. Like I said before, that's  
4 where all my problems stem from. That's  
5 where they all started with the drill  
6 weekend.

7 Q. Okay. So are you suggesting  
8 that the fact that you had problems with  
9 your drill weekends leads you to think that  
10 that's why you were terminated?

11 A. Yes, sir.

12 Q. And do you have any firsthand  
13 knowledge that that is in fact the case?

14 A. Just all the incidents leading  
15 up to it.

16 Q. Okay. And do you know if  
17 those incidents were discussed or considered  
18 in the termination process?

19 A. No, sir, I do not know that.

20 THE WITNESS: It's break time.

21 MR. JOHNSON: Okay. If you  
22 need a break, take one.

23 (Recess taken.)

Page 226

1 A. Oh, I have no idea. I don't  
2 know. Like I said, I didn't even know they  
3 had a meeting on it.

4 Q. Okay. So it would be fair to  
5 state that you're not aware, based on your  
6 own personal knowledge, of any evidence to  
7 suggest that your military service was a  
8 motivating factor in the decision to  
9 terminate you?

10 A. Rephrase.

11 Q. Would it be fair to say that  
12 you don't have any personal knowledge that  
13 your military history was a motivating  
14 factor or part of the reason why they made  
15 the decision to terminate you?

16 A. I -- As far as my personal  
17 knowledge, like I said, seems like my  
18 military career was the whole reason for my  
19 being fired.

20 Q. Being fired or for being  
21 harassed?

22 A. Both. It started with the  
23 harassment and ended in the termination.

Page 228

1 Q. Okay, Mr. Dees, we're back on  
2 the Record again. I want to ask you a  
3 couple more questions about some of the --  
4 this alleged sleeping incident.

5 Jim Brookshire is somebody we  
6 talked about. Did you know Jim Brookshire  
7 well?

8 A. He was -- Yeah. Working with  
9 him every day near about.

10 Q. Okay. Did you ever have any  
11 problems with him?

12 A. No. Not like with everyone  
13 else, no.

14 Q. Okay. Did he ever demand  
15 orders from you, or anything like that?

16 A. No. Because he wasn't in my  
17 immediate chain of command.

18 Q. Okay. Did he ever say  
19 anything to you about your military career  
20 or your Guard duty or anything like that?

21 A. No. The only thing he cared  
22 about was whether them presses was running.

23 Q. Was what?

## FREEDOM COURT REPORTING

Page 229

1 A. Whether the presses was  
2 running.

3 Q. Okay. Do you have any reason  
4 to think that Jim Brookshire has any bad  
5 feelings or bad will towards you or anybody  
6 else in the military for any reason?

7 A. Towards me? Yeah. You got,  
8 like I say, him and Prater, they were --  
9 they rubbed each other's back. You got  
10 Prater come back down here a week ago,  
11 talked to Bill Seivers telling him that  
12 Applegate had told him to get rid of me.  
13 You got --

14 Q. Now, wait a minute. Let's --

15 A. After I got fired, I called  
16 Mr. Moon, he said he would look into it. He  
17 says Prater was wrong in doing what he's  
18 doing, but I can't do anything about it.

19 Were they rubbing each other's  
20 back? Yeah. I mean, everything --

21 Everything started when Prater said I had to  
22 have orders.

23 Q. Okay.

Page 230

1 A. And that come because -- I  
2 don't know why it come about.

3 Q. Well, I -- I got a pretty good  
4 understanding of your relationship with Greg  
5 Prater. But I'm interested now in Jim  
6 Brookshire. I want to make sure I know all  
7 about that.

8 Is what you're telling me that  
9 the only issue you've got with Brookshire  
10 was his closeness with Greg Prater?

11 A. Well, every time I -- Not  
12 every time. Several times I got called into  
13 the office, Jim was there, yes.

14 Q. When you got called into the  
15 office for what?

16 A. Anything. Like the daily  
17 reports, the pit, the lift. Anything.

18 Q. All right. Would that all be  
19 stuff in Brookshire's area?

20 A. Yeah. He was over that whole  
21 area.

22 Q. Would there be any reason he  
23 shouldn't be there?

Page 231

1 A. Yeah. It wasn't a production  
2 issue.

3 Q. All right. In other words, it  
4 was a maintenance issue and Brookshire  
5 shouldn't have been there?

6 A. Yeah.

7 Q. All right. During any of  
8 those meetings did he ever suggest to you  
9 that he came because he didn't like you,  
10 didn't like the work you did, didn't like  
11 the fact that you were in the service, or  
12 anything like that?

13 A. He's a politician, he's not  
14 going to come out and say -- He's going to  
15 try to make himself look good.

16 Q. When you say he's a  
17 politician, do you mean that literally or  
18 figuratively?

19 A. Figuratively.

20 Q. Okay. I'm assuming he's never  
21 run for -- Had he run for office or anything  
22 like that?

23 A. Not that I know of. You

Page 232

1 probably know him better than I do. I don't  
2 know.

3 Q. Are you just commenting on his  
4 personality?

5 A. Commenting on his personality.

6 Q. Okay. Can you think of  
7 anything else -- Other than showing up when  
8 you got called into the office, can you  
9 think of anything else Jim Brookshire did or  
10 said that you think suggests any sort of  
11 feelings against you?

12 A. I mean, there had to be, why  
13 else would he accuse me of sleeping?

14 Q. What are they? Are you  
15 guessing or you know of some?

16 A. I don't know. You'll have to  
17 ask him.

18 Q. All right.

19 MR. SPORT: And we're trying  
20 to right now.

21 Q. Okay. But from your personal  
22 standpoint, do you know of anything?

23 A. Like I said, everything

## FREEDOM COURT REPORTING

Page 233

1 started with my military problem -- my  
 2 military commitment. And that's where it  
 3 stayed throughout my tenure there.  
 4 Q. Okay.  
 5 A. So you have to ask him.  
 6 Q. To your knowledge, has Hyundai  
 7 ever been nominated for any awards related  
 8 to their employment of military personnel?  
 9 A. According to -- According to  
 10 them they have. And --  
 11 Q. Do you think it's not true?  
 12 A. -- ESGR.  
 13 Well, it may be, I don't know.  
 14 Q. Okay. Are you saying it's not  
 15 true?  
 16 A. The ESGR rep said they had  
 17 been put in for one. And they said after I  
 18 got fired, about two weeks after I got  
 19 fired, I think, somebody said they put in  
 20 for one. I'm not sure. The ESGR rep, I  
 21 don't know, you'll have to call him.  
 22 Q. Who are you talking about?  
 23 A. That Dan, the one that I told

Page 234

1 you I had e-mailed, that ESGR  
 2 representative. You'll have to ask him.  
 3 Q. Okay. All right. We'll have  
 4 to come back to that question because I lost  
 5 that e-mail.  
 6 Is there anybody else that you  
 7 and I haven't talked about that either knows  
 8 -- that works at Hyundai, that either knows  
 9 anything about problems you had with Prater  
 10 or HR or anybody related to your service,  
 11 anybody else?  
 12 A. I called Mr. Moon the night I  
 13 got fired.  
 14 Q. Yeah. Let's talk about  
 15 Mr. Moon. Did you talk to Mr. Moon or did  
 16 your wife talk to Mr. Moon?  
 17 A. I talked to Mr. Moon first and  
 18 then my wife talked to him.  
 19 Q. All right. What did you tell  
 20 Mr. Moon?  
 21 A. I told him that I had been  
 22 fired, and that I was supposedly fired for  
 23 sleeping in the SOPS, up on the third floor,

Page 235

1 a week prior.  
 2 Q. What did he say?  
 3 A. He said that he didn't even  
 4 know that I was even being considered for  
 5 termination; that he didn't know nothing  
 6 about it; and that he would look into it.  
 7 Q. Okay. Did he say anything  
 8 else on the night of that call?  
 9 A. He apologized for my being  
 10 fired and he hated that happened because I  
 11 was a good worker.  
 12 Q. Okay. Did you say anything  
 13 else to him that night?  
 14 A. I don't remember. By the time  
 15 I got home, I was pretty perturbed.  
 16 Q. I mean, did you call him from  
 17 home?  
 18 A. Yes, sir.  
 19 Q. Did your wife talk to him that  
 20 night?  
 21 A. Yes. She explained everything  
 22 to him in Korean.  
 23 Q. Do you speak Korean?

Page 236

1 A. Some. Between my Korean and  
 2 his English, we was able to communicate  
 3 pretty good.  
 4 Q. Did you speak to him some in  
 5 Korean?  
 6 A. I may have. Like I said, I  
 7 was pretty hot.  
 8 Q. But, again, am I right that  
 9 you told me everything that you told him or  
 10 that he said to you on that telephone call?  
 11 A. He said he would look into it  
 12 and get back with me.  
 13 Q. All right. Based on either  
 14 what you overheard in Korean -- Was the  
 15 conversation your wife had with him in  
 16 Korean?  
 17 A. Yes, sir.  
 18 Q. Okay. From what you could  
 19 hear and understand in Korean, or from what  
 20 she told you later, what is your  
 21 understanding as to what she said?  
 22 A. I wasn't paying attention to  
 23 the conversation she had with him. But

## FREEDOM COURT REPORTING

Page 237

1 basically the same thing, that he told her  
2 he hated to see me fired because I was a  
3 good employee and that he would look into it  
4 and that he would get back with me.

5 Q. Did he say anything else to  
6 your wife that evening?

7 A. I don't know.

8 Q. Okay. Do you know if your  
9 wife had any later conversations with him?

10 A. The next night he called back.

11 Q. Okay. And did he speak to you  
12 that night?

13 A. A little bit. He mostly  
14 talked to my wife.

15 Q. Okay. Were you able to  
16 overhear the conversation?

17 A. Yes, sir. I talked to her  
18 afterward.

19 Q. All right. What did they talk  
20 about that night?

21 A. He stated that Prater was  
22 lying, that Prater had been wrong.

23 Q. That Prater was lying?

Page 239

1 Q. Okay. Did he indicate who he  
2 had talked to since the last time y'all had  
3 a telephone call?

4 A. I think he talked to -- I  
5 think he said it was J.H. Kim or president  
6 Ahn. It was J.H. Kim or Ahn, one, I can't  
7 remember.

8 Q. All right. Do you know why  
9 Mr. Moon said that Greg Prater had lied?

10 A. You'll have to ask Mr. Moon  
11 that.

12 Q. Okay. Do you --

13 A. Mr. Moon said that Prater was  
14 a bad man.

15 Q. Okay. Did he say specifically  
16 what he understood Greg Prater to have lied  
17 about?

18 A. Yeah. Said that Greg Prater  
19 lied about my sleeping at work.

20 Q. Okay. Did you get the  
21 impression that Mr. Moon thought that Greg  
22 Prater had been there that night?

23 A. No, sir, I did not.

Page 238

1 A. Yes, sir.

2 Q. Lying about what?

3 A. My supposedly sleeping at  
4 work.

5 Q. Why did he say Prater was  
6 wrong?

7 A. And that he was --  
8 MR. KILBORN: Don't interrupt  
9 him.

10 A. I don't know. You'll have to  
11 ask him. That Prater was wrong in firing me  
12 and that there was nothing he could do about  
13 it now, he was told to stay away from it.

14 Q. Did he say who said to stay  
15 away?

16 A. No. You'll have to -- I think  
17 he made the comment to Mark Hanks. I'm not  
18 sure.

19 Q. Do you know what Mr. Moon's --  
20 what his position is at the plant?

21 A. He was the Korean counterpart  
22 to Prater; he was from HMC, he was our  
23 Korean boss.

Page 240

1 Q. Okay. Did Mr. Moon say that  
2 Jim Brookshire had lied?

3 A. I didn't ask him about Jim  
4 Brookshire.

5 Q. You never talked about Jim  
6 Brookshire?

7 A. No, sir.

8 Q. Did you know that Jim  
9 Brookshire was the one that indicated he had  
10 seen you sleeping?

11 A. Yes, I did. I knew from the  
12 very first meeting.

13 Q. Okay. You never told Mr. Moon  
14 about that?

15 A. No, I did not.

16 Q. You never told Mr. Moon to  
17 talk to Mr. Brookshire?

18 A. No. I'm sure he probably did,  
19 though. You've interviewed my friends,  
20 you'd have to ask them what -- they talked  
21 to them.

22 Q. When you say you're sure  
23 you're sure he did, do you know that or are

## FREEDOM COURT REPORTING

Page 241

1 you just wanting that to be the case?  
 2 A. Say again.  
 3 Q. When you say you're sure that  
 4 Mr. Moon talked to Jim Brookshire, why? Why  
 5 do you say that?  
 6 A. Because of Mr. Moon's attitude  
 7 toward Prater and production --  
 8 stamping/production in general.  
 9 Q. Okay.  
 10 A. Stamping management.  
 11 Q. Okay. Did he ever say  
 12 anything about Jim Brookshire?  
 13 A. On the phone? No.  
 14 Q. Did he say anything about Jim  
 15 Brookshire in person?  
 16 A. No. We never talked about  
 17 Jim.  
 18 Q. Okay.  
 19 A. Usually all we talked about  
 20 was production -- I mean work-related  
 21 problems. But me and Mr. Moon was good  
 22 friends. We talked. We talked a lot.  
 23 Q. Did you and Mr. Moon talk

Page 243

1 English.  
 2 Q. That's debatable. I'm  
 3 assuming y'all talk in English at the house?  
 4 A. Yes, sir.  
 5 Q. And she works in an  
 6 English-speaking environment?  
 7 A. Yes, sir. My daughters don't  
 8 speak Korean, so she speaks English pretty  
 9 well.  
 10 Q. Okay. Did Mr. Moon indicate  
 11 -- or did you and Mr. Moon discuss John  
 12 Applegate at all?  
 13 A. No, sir. At that point I was  
 14 still upset. I mean, I was -- I was fired  
 15 up. I had been treated like crap, treated  
 16 like trash, accused of something I didn't  
 17 do; gone through the wringer for several,  
 18 several months. No, I was just upset. I  
 19 was bad upset. I had never had nothing like  
 20 that happen to me in my life.  
 21 Q. Okay.  
 22 A. I've got my evaluations from  
 23 BE&K and everywhere. When I left BE&K and

Page 242

1 about who had made the decision to terminate  
 2 you?  
 3 A. No, I did not.  
 4 Q. Okay. Y'all didn't talk about  
 5 anybody but Greg Prater?  
 6 A. I didn't talk about Greg  
 7 Prater. I asked -- He told me he would  
 8 check into seeing why I got fired. I don't  
 9 know who he talked to specifically, no. He  
 10 said, like I say, it was either J.H. Kim or  
 11 Ahn, one, and I told you the statements he  
 12 made.  
 13 Q. Okay. And he didn't say  
 14 anything else?  
 15 A. I don't know. He talked to my  
 16 wife, you'll have to -- I don't know.  
 17 Q. Okay. And is your wife's  
 18 English perfect English?  
 19 A. Pretty much.  
 20 Q. If we were to take her  
 21 deposition, would there be any reason we  
 22 would need an interpreter?  
 23 A. Not unless you don't speak

Page 244

1 went to International Paper, I got a  
 2 fifty-three out of fifty-four rating. I had  
 3 outstanding marks on my record. I've had  
 4 outstanding marks everywhere I worked. I've  
 5 never been accused of sleeping or had a  
 6 blemish on my record.  
 7 Q. Okay. Let's talk a little bit  
 8 about in your complaint you've included as  
 9 count number two an outrage claim. That  
 10 starts on, I guess, page seven on your  
 11 complaint.  
 12 What's indicated here in count  
 13 two suggests that Hyundai intentionally  
 14 created a harassing environment and  
 15 subjected Dees to a pattern of intentional  
 16 harassment regarding Dees' membership in the  
 17 Guard and Dees' Guard service obligations.  
 18 MR. KILBORN: Are you  
 19 referring to a specific paragraph?  
 20 MR. JOHNSON: Paragraph  
 21 twenty-four.  
 22 MR. KILBORN: Take a look at  
 23 twenty-four.



## FREEDOM COURT REPORTING

Page 245

1 Q. If you want to look at that  
2 paragraph, you can, Mr. Dees.  
3 Have you read it?  
4 A. Yes, sir.  
5 Q. Okay. Other than the things  
6 that we have already talked about, which is  
7 obviously quite a bit, are there any other  
8 facts that you're aware of to suggest that  
9 Hyundai intentionally created a harassing  
10 environment?  
11 A. Yes, sir. Like I said, right  
12 from the time it started, my Guard service  
13 was a -- the center of everything, until my  
14 termination.  
15 Q. Okay. And you've indicated  
16 that. Is there anything else that you're  
17 relying on to support your outrage claim  
18 factually?  
19 A. Like I said, you've got a team  
20 leader still working out there that said  
21 Prater came down a week ago and told him  
22 that Applegate told him to get rid of me,  
23 that he needed to get rid of me.

Page 246

1 Q. Who said this and when did  
2 they say it?  
3 A. Bill Seivers, he's a team  
4 leader on one of the shifts out there now.  
5 Q. When did you talk to him?  
6 A. I didn't. You'll get a chance  
7 to talk to him when you go back to the  
8 plant, I reckon. Prater came by his house a  
9 week ago and made the comment that he had  
10 recordings of Applegate making the comment  
11 he needed to get rid of me.  
12 Q. And you didn't talk to Bill  
13 Seivers?  
14 A. No, sir.  
15 Q. Do you know who talked to Bill  
16 Seivers and told him he needed to get rid of  
17 you?  
18 A. Yes, sir. Mark Bornberg.  
19 Q. So Mark Bornberg talked to  
20 Bill Seivers?  
21 A. Yes, sir. They work together  
22 everyday.  
23 Q. And called you and told you

Page 247

1 what you're telling me now?  
2 A. Yes, sir.  
3 Q. And this was -- when Prater  
4 came was when?  
5 A. About a week ago, I think.  
6 Q. And Bill Seivers told Mark  
7 Bornberg that Prater had recordings?  
8 A. Of Applegate stating --  
9 telling him he needed to get rid of me.  
10 Q. All right. When were they  
11 made?  
12 A. I have no idea. You'll have  
13 to ask Applegate and Prater.  
14 Q. Do you have any idea, based on  
15 your discussions with Mark Bornberg, why,  
16 apparently, Greg Prater came to Bill  
17 Seivers' house to talk to him?  
18 A. I have no idea.  
19 Q. Do you have any idea why they  
20 would have talked about this situation?  
21 A. You'll have to ask Bill  
22 Seivers that, or Prater.  
23 Q. And, again, I just want to

Page 248

1 know what you know. If you don't know  
2 anything, that's fine.  
3 Did you work with Bill  
4 Seivers?  
5 A. Yes, sir. He was a team  
6 leader on the other shift.  
7 Q. Okay. Was Bill Seivers  
8 somebody you were close to?  
9 A. I mean, yeah, we worked --  
10 Like I said, everybody in our section, we  
11 lived there, twelve hours a day, sometimes  
12 seven days a week.  
13 Q. Okay. Were he and Prater  
14 particularly close?  
15 A. I don't know. You'll have to  
16 ask them about that.  
17 Q. Okay. Another thing that  
18 you've indicated in your outrage claim on  
19 page seven of your complaint is that this  
20 situation caused you severe emotional  
21 distress.  
22 What -- I mean, what kind of  
23 severe emotional distress have you suffered?

## FREEDOM COURT REPORTING

Page 249

1 A. I have never, never had a  
2 blemish on any record, as I've stated  
3 before, military or civilian. When you're  
4 standing there among your friends, you've  
5 got security guards coming in telling you  
6 you've got to go, treating you like a  
7 criminal, they won't even let you go get  
8 your personal property, that HMMA says  
9 belongs to them once it gets through that  
10 gate, says it's no longer yours, it's  
11 theirs, you can't go get it; walking you  
12 out, surrounding you like you're a crook.  
13 Here I have -- Like I said, I  
14 ain't no war hero, but I served my country  
15 proudly so they can act like that and that  
16 ain't -- I was walked out like a criminal.  
17 When I got to that building, that security  
18 building, I walked in, everybody is just  
19 standing there bowed up and everything. I'm  
20 the focus of attention and it ain't good.  
21 I'm walked in a room, I'm sat down, this  
22 lady introduces herself, the next gentleman,  
23 the next gentleman, and then she reads me a

Page 250

1 letter, slams it down on the table, face  
2 down. When I asked her questions, she's  
3 short, very rude, gets up and walks out.  
4 And then, the only thing  
5 they're worried about is getting your little  
6 security lock, your safety lock, and the  
7 keys. And you ask why come I'm being fired?  
8 What happened to your firing process? They  
9 act like you're not even there; they don't  
10 even want to acknowledge you. You get  
11 walked out, you're dropped off down here  
12 (indicating), your truck is three gates up.  
13 Security guard volunteered to take me to my  
14 truck. When I get to my truck, I had to  
15 call them aside to get them to bring me my  
16 tool bag, and then they got on to Shane  
17 Archer for bringing me my tool bag that I  
18 had purchased with my money, that they said  
19 now belonged to them because I brought it in  
20 that gate. I go home, my wife, I call her,  
21 she's crying.  
22 All of a sudden I've gone from  
23 a very, very good job that I wanted to keep,

Page 251

1 that was very hard to get, with better  
2 benefits than I had on active duty in the  
3 military, to unemployed. Then I've got to  
4 go home and try to comfort her. All my  
5 friends at work, everybody -- there's a lot  
6 of people that work there, then they're  
7 looking at you like why did you get fired?  
8 Yeah, it hurt. That ain't right.  
9 Q. It sounds to me like you got a  
10 significant amount of problems with the way  
11 in which the termination was conducted?  
12 A. It ain't just the way. Why  
13 was I terminated?  
14 Q. Okay.  
15 A. Like I said, they ignored  
16 their own process. They got a seven -- six-  
17 or seven-step process. I went from zero to  
18 fired. After several complaints, even a  
19 complaint -- a letter sent by my unit, and  
20 it's the same complaint the whole time, all  
21 of a sudden I'm fired for an accusation that  
22 occurred in a matter of five minutes. No.  
23 Q. Any other facts you can point

Page 252

1 to that have resulted in severe emotional  
2 distress?  
3 A. Made it look like my military  
4 career wasn't worth a flip. Made it look  
5 like I was just some piece of trash come up  
6 looking for a job.  
7 Q. Is that all the facts that  
8 you're relying on to support your severe  
9 emotional distress claim?  
10 A. Is that all the facts? No.  
11 My wife is still -- Everybody is still like:  
12 I can't believe Leon got fired.  
13 Q. Tell me how -- I mean, tell me  
14 how else it has impacted you.  
15 A. It impacted me financially big  
16 time. I go from a job where I'm bringing  
17 home real good money, insurance, like I  
18 said, better than I had in the military, to  
19 a job where -- I'm just jobless. And the  
20 only reason I got a job the next day, is  
21 because of a fellow I grew up with that I'd  
22 known all my life. Because when I went in  
23 to fill out the job application the next

## FREEDOM COURT REPORTING

Page 253

1 morning, the fellow told me, he asked me,  
2 why did you leave Hyundai. I told him, I  
3 said, I got fired. He said, I'm going to  
4 tell you straight up, if it hadn't been for  
5 your friend there recommending you, I would  
6 not have hired you.

7 Q. Who was your friend that  
8 recommended you?

9 A. James Daniel Smitherman.

10 Q. Smitherman?

11 A. Yes, sir. They told me  
12 straight up they wouldn't have hired me  
13 simply because I had been fired. I didn't  
14 lie to them, I told them why I was fired,  
15 said they accused me of sleeping on the job.  
16 And when I got on with International Paper,  
17 same thing, if I hadn't been working there  
18 for five months and they hadn't seen my work  
19 performance, they told me they would not  
20 have hired me. Because I told them, same  
21 thing, they asked me why I left Hyundai, I  
22 told them the circumstances, everything, I  
23 didn't holdback. I told them everything.

Page 254

1 And they said, you better be glad we saw  
2 your work performance and James recommended  
3 you or you would not be getting this job.

4 Q. Okay. In terms of the severe  
5 emotional distress you're claiming in this  
6 lawsuit, did you ever talk to your pastor  
7 about it, seek any counseling, go to the  
8 doctor about it?

9 A. I'm a soldier, I don't have  
10 time to talk to nobody and I had a family to  
11 feed, a kid in college, a kid in high  
12 school. I had to work because I wasn't  
13 making nowhere near what I was bringing home  
14 out there.

15 Q. Did it have any physical  
16 impact on you at home? I mean did you cry a  
17 lot?

18 A. I don't cry. Unless my friend  
19 is dead, I don't cry.

20 Q. Did you lose sleep over it?

21 A. Yeah. When you get fired, I  
22 stayed wake all night several nights.

23 Q. How many nights?

Page 255

1 A. I don't know.

2 Q. All night?

3 A. All night the first few  
4 nights, yeah. I've never -- I told you I've  
5 never, never had a blemish on my record.

6 Q. Since those first few nights,  
7 have you lost any sleep over it?

8 A. I don't know. I mean, there's  
9 times me and her talk about it, yeah. I've  
10 never been treated like that, never.

11 Q. All right. Are there any  
12 other sort of psychological problems that  
13 you've had as a result of the emotional  
14 distress of this incident?

15 A. Yeah. Every time I go to fill  
16 out an application anywhere it says have you  
17 ever been terminated? Yes, I have. And  
18 why?

19 Q. Are you filling out job  
20 applications currently?

21 A. No. But even if you go to a  
22 bank and fill out a loan application,  
23 they'll ask if you've ever been terminated

Page 256

1 from a job. I'm an honest person, like I  
2 said, I'll tell you when I mess up. And  
3 I've got to put yes, and they're going to  
4 ask my why and I've got to tell them.

5 Q. Have you received any medical  
6 treatment as a result of emotional distress  
7 as a result of this incident?

8 A. I told you, I've got a family  
9 with a kid in college, I ain't got time to  
10 seek nothing, I've got to make money.

11 I've got a girl that's in a  
12 third year in college and junior in high  
13 school, I don't have time to go talk to  
14 nobody. I got bills to pay, like everybody  
15 else.

16 Q. You mentioned that Shane  
17 Archer had gotten your tool bag?

18 A. Yes, sir. And they got onto  
19 him for that. They threatened to fire him.

20 Q. I want to make sure I  
21 understand what was going on there. I  
22 assume your tool bag -- Where was your tool  
23 bag when he went to get it?

## FREEDOM COURT REPORTING

Page 257

1 A. It was in the plant back there  
2 in the stamping section. I don't even  
3 remember where I left it.  
4 Q. So when they had come to get  
5 you before they went and cleaned out your  
6 locker and gave you your jacket, had you had  
7 your tool bag with you somewhere out in the  
8 plant, you just left it there?  
9 A. Yes, sir.  
10 Q. When they came up to you?  
11 A. Yes, sir.  
12 Q. Where did Shane Archer bring  
13 it to you?  
14 A. He brought it to the gate up  
15 there in front of body weld, up there where  
16 I parked.  
17 Q. Okay. And that was after you  
18 sat down with Wendy Warner and the others to  
19 talk about the termination?  
20 A. They kicked me out of the  
21 plant, I couldn't get back in. As a matter  
22 of fact, the guard that gave me a ride to my  
23 truck, come back around there to the gate

Page 258

1 and wanted to know why I was still there.  
2 And Don Gillingham, something like that, the  
3 body weld maintenance manager, he was  
4 standing outside, about thirty feet down  
5 from me. Apparently everybody but me knew I  
6 was getting fired because he called security  
7 and asked what I was still doing there, when  
8 all I'm doing is waiting on my tool bag. I  
9 was treated like a thug, and I don't like  
10 it. I might as well have been a prisoner of  
11 war somewhere.  
12 THE WITNESS: Let me take a  
13 break and go check on my wife.  
14 MR. JOHNSON: Okay. That's  
15 fine.  
16 (Recess taken.)  
17 (Whereupon, Defendant's  
18 Exhibit No. 6 was marked  
19 for identification.)  
20 Q. Mr. Dees, this is something  
21 we've marked as Exhibit 6 to your  
22 deposition. Can you take a look at that and  
23 tell me whether that -- you've seen this

Page 259

1 document before?  
2 MR. SPORT: Matt, while he's  
3 looking at that, would you mind -- if the  
4 document is Bates numbered, putting the  
5 Bates number in the Record?  
6 MR. JOHNSON: The only reason  
7 I wouldn't, is because some of these are our  
8 documents and some are your documents, so  
9 the Bates numbers -- if I say it's Bates  
10 number 35 --  
11 MR. SPORT: Just read the  
12 Bates number into the Record.  
13 MR. JOHNSON: I know. But if  
14 I say Bates number 35, it could be my Bates  
15 number 35 or your Bates number 35.  
16 MR. SPORT: Well, no, your  
17 Bates sequence is Dees V. HMMA and ours is  
18 just Dees. So they are different.  
19 MR. JOHNSON: Why don't we  
20 just use the exhibit numbers. It's a  
21 deposition, why don't we just use exhibit  
22 numbers.  
23 MR. SPORT: Okay. Well, I

Page 260

1 don't know why you would be opposed to  
2 putting the Bates number in the Record.  
3 MR. KILBORN: Well, I'll put  
4 it in there. It's Dees versus HMMA 00035.  
5 Q. Have you read it?  
6 A. Yes, sir.  
7 Q. Several lines down there in  
8 bold print it suggests that -- or Greg  
9 Prater suggests that during his discussion  
10 with you at one point you responded by  
11 saying, quote, I just don't give a damn.  
12 You guys just do whatever you want. I'm fed  
13 up with this -- and I'll spell -- S-H-I-T,  
14 period, end quote.  
15 Do you recall ever making a  
16 statement similar to that?  
17 A. A statement I made to him.  
18 Then he referred to -- You've got to look at  
19 it if you were a forward observer on lookout  
20 guard duty. The statement I made to him is,  
21 if I were the lookout on guard duty, I  
22 wouldn't be sleeping.  
23 Q. So are you saying you did not

## FREEDOM COURT REPORTING

Page 261

1 make the comment he has in bold print there?  
 2 A. No, sir, I did not.  
 3 Q. Okay. Not at that time, and  
 4 never at any time?  
 5 A. (Witness shakes head in the  
 6 negative.)  
 7 Q. When you say you remember --  
 8 Are you saying you don't remember making it  
 9 or you know you didn't make it?  
 10 A. No, sir, I didn't -- I didn't  
 11 cuss him like that.  
 12 Q. Okay.  
 13 A. And I didn't make --  
 14 Q. When you say you didn't cuss  
 15 him like that, is that because you don't use  
 16 curse words?  
 17 A. Try not to.  
 18 Q. Okay. When you say try not  
 19 to, do you succeed or do you use them?  
 20 A. Most of the time I do.  
 21 Q. Okay. Is it your testimony  
 22 that you did not use curse words at Greg  
 23 Prater?

Page 262

1 A. No, sir, I did not.  
 2 Q. Did you use any at anybody at  
 3 the plant?  
 4 A. No, sir.  
 5 Q. Okay. Did you use curse words  
 6 around your coworkers?  
 7 A. No, sir. Most of the time --  
 8 If I mash my finger or something.  
 9 No, sir, I try not to, and  
 10 most of the time I don't. I'm not going to  
 11 sit here and tell you no, I never do it.  
 12 Q. In your conversations with  
 13 Greg Prater, at any point in time did you  
 14 ever ask him, what can I do about this  
 15 situation? How can I keep my job? What can  
 16 I do to keep my job?  
 17 A. I didn't think my job was in  
 18 jeopardy at that point. Like I said, they  
 19 have a six- or seven-step firing process. I  
 20 haven't even entered phase one at this step,  
 21 at this phase. I have not entered the  
 22 firing process whatsoever. Any time you --  
 23 Lucas Cooner told us, any time you enter a

Page 263

1 firing process, they have to tell you.  
 2 Q. All right. Now, so in terms  
 3 of this process, did you ever raise that  
 4 issue? Did you ever say, hey, somebody,  
 5 it's not right to terminate me, I haven't  
 6 gone through the process?  
 7 A. That lady.  
 8 Q. Wendy Warner?  
 9 A. That's her.  
 10 Q. Okay.  
 11 A. And like I said, it's like I  
 12 wasn't even talking.  
 13 Q. Did she respond to you or say  
 14 anything about that process?  
 15 A. No, sir.  
 16 Q. Okay. Now, I mean, in terms  
 17 of processes and procedures, did you engage  
 18 in any subsequent processes or procedures  
 19 after your termination to try to get your  
 20 job back or try to get the situation  
 21 changed?  
 22 A. I called them about the --  
 23 what's it called?

Page 264

1 Q. Team member review?  
 2 A. That's it.  
 3 Q. Okay. Tell me about that.  
 4 Who did you call?  
 5 A. I never could get ahold of  
 6 nobody. I had Rob Clevenger's number, I  
 7 think, and I never saw him. I'd leave him  
 8 messages and he'd leave me messages.  
 9 Q. So y'all traded messages?  
 10 A. Yes, sir.  
 11 Q. Did Wendy Warner ever call  
 12 you?  
 13 A. No, sir.  
 14 Q. Did anybody but Rob Clevenger  
 15 ever call you about the review process?  
 16 A. I don't think so. I don't  
 17 know.  
 18 Q. Okay. Do you remember getting  
 19 a letter from Wendy Warner indicating when  
 20 the team member review would be scheduled  
 21 for?  
 22 A. Yeah. I got it on a Saturday  
 23 evening and that review was supposed to have

66 (Pages 261 to 264)



## FREEDOM COURT REPORTING

Page 265

1 been a Monday morning.  
 2 (Whereupon, Defendant's  
 3 Exhibit No. 7 was marked  
 4 for identification.)  
 5 Q. Okay. And let me mark as  
 6 Exhibit 7, a copy of the letter.  
 7 MR. JOHNSON: For Mr. Sport  
 8 and Mr. Kilborn's benefit, that's Dees V  
 9 HMMA document 1.  
 10 MR. KILBORN: Thank you.  
 11 Q. Mr. Dees, what we've marked  
 12 there as Exhibit 7, do you recall receiving  
 13 that letter at your home?  
 14 A. Yes, sir.  
 15 Q. And you say you received that  
 16 on a Saturday?  
 17 A. Yes, sir.  
 18 Q. Okay. And then the review was  
 19 scheduled for the following Monday?  
 20 A. Yes, sir.  
 21 Q. Okay. And it was scheduled  
 22 for ten o'clock in the morning?  
 23 A. Yes, sir.

Page 266

1 Q. And did you attend?  
 2 A. No, sir.  
 3 Q. Did you call Wendy Warner to  
 4 talk about it?  
 5 A. No, sir.  
 6 Q. Did you call Rob Clevenger to  
 7 talk about it?  
 8 A. No, sir.  
 9 Q. Did you call anybody to say I  
 10 can't be there at ten?  
 11 A. No, sir. I believe I talked  
 12 to my lawyers about it.  
 13 Q. Okay. And after talking to  
 14 your lawyers, you didn't show up?  
 15 A. No, sir. The reason I didn't  
 16 show up, because I had a job that was paying  
 17 a little bit, even though it wasn't paying  
 18 what I was making at Hyundai. And if I had  
 19 taken off from a job, not only being there a  
 20 week or two to go to meet to try to get my  
 21 old job, I wouldn't have had a job when I  
 22 got back the next day.  
 23 Q. Did you tell anybody at

Page 267

1 Hyundai that you got another job and it  
 2 conflicts with that ten o'clock meeting?  
 3 A. I got this letter Saturday  
 4 evening. Monday morning you're not going to  
 5 get ahold of anybody there.  
 6 Q. Had you ever left a voicemail  
 7 with Rob Clevenger saying that you had  
 8 another job and telling him when it ought to  
 9 be scheduled?  
 10 A. No, sir. This letter and  
 11 those two little messages, the only thing I  
 12 got was that I met the requirements, and  
 13 that was it. I didn't know what was going  
 14 on, I never could get ahold of nobody there.  
 15 Q. Did you write them a letter?  
 16 A. No, sir, I did not.  
 17 Q. Were you keeping notes about  
 18 what was going on at this point in time?  
 19 A. No, sir. I had to make money.  
 20 Q. Okay.  
 21 A. Because I had to work a lot of  
 22 hours because I wasn't making nowhere near  
 23 what I was making.

Page 268

1 Q. You said you were keeping  
 2 notes when you were at Hyundai, you were  
 3 making money then, weren't you?  
 4 A. Yes, I was.  
 5 Q. And you were working?  
 6 A. Yes, sir.  
 7 Q. And you were keeping notes  
 8 then?  
 9 A. I didn't have the problems I  
 10 was having then.  
 11 Q. And this was still going on  
 12 later?  
 13 A. There was no one to talk to,  
 14 what notes was there to keep? I had two  
 15 messages on my answering machine. What else  
 16 is there to keep? I kept the messages.  
 17 Q. Do you think they were both  
 18 from Rob Clevenger?  
 19 A. I don't remember. I know one  
 20 of them was. I don't remember if both of  
 21 them were or not. I don't know.  
 22 Q. So you remember one of them  
 23 was from Rob Clevenger?

67 (Pages 265 to 268)

## FREEDOM COURT REPORTING

Page 269

1 A. Yes, sir.  
 2 Q. And the other may have been  
 3 from him, may have been from somebody else?  
 4 A. May have been.  
 5 Q. Do you know when those  
 6 telephone messages came in?  
 7 A. According to this, it says  
 8 March the 2nd and March the 7th. May or may  
 9 not have been, I don't know. Like I said,  
 10 my world had been turned upside down.  
 11 Q. Do you recall receiving the  
 12 initial phone message on March the 2nd?  
 13 A. I don't believe so.  
 14 Q. And do you know whether that  
 15 was from Rob Clevenger or who?  
 16 A. I don't remember.  
 17 Q. Do you remember returning that  
 18 call immediately?  
 19 A. No, sir. Because it was late  
 20 in the evening, I had gotten home from work  
 21 late.  
 22 Q. All right. Did you return  
 23 that call the next day?

Page 270

1 A. I may have. I don't know.  
 2 Q. All right. Do you remember  
 3 returning that call before March the 5th?  
 4 A. I don't know. I don't recall.  
 5 Q. All right. Do you remember  
 6 returning that call before March the 7th?  
 7 A. I don't know.  
 8 Q. Okay. And, again, was it your  
 9 understanding when you received this letter  
 10 marked Exhibit 7, that the -- you were  
 11 supposed to meet with Rob Clevenger on that  
 12 Monday morning to talk about the review  
 13 process?  
 14 A. Yes, sir. That wasn't a  
 15 guarantee that I was going to get a job  
 16 back. That was just a selected panel to see  
 17 about getting the job back, to go back into  
 18 the firing.  
 19 Q. Did you know how the panel  
 20 selection process worked?  
 21 A. No, sir.  
 22 Q. Do you know whether it would  
 23 have been a panel of your peers that you

Page 271

1 would have selected from or how it would  
 2 have been done?  
 3 A. I didn't know anything about  
 4 the process at all.  
 5 Q. And you didn't show up to find  
 6 out?  
 7 A. No, sir. Like I said, I had  
 8 to work. I couldn't take a chance on losing  
 9 a job that I had gotten through a friend to  
 10 try and look, maybe possibly one in a  
 11 million shot getting a job back that I had  
 12 been fired from.  
 13 Q. You never called Rob Clevenger  
 14 that morning before you went to work to tell  
 15 him you couldn't make it?  
 16 A. No, sir.  
 17 Q. And you never called him  
 18 since, did you?  
 19 A. No, sir.  
 20 Q. Are you aware of any other  
 21 process at Hyundai that might possibly allow  
 22 you to get your job back, other than this  
 23 team member review process?

Page 272

1 A. I don't know. I don't know  
 2 what they have.  
 3 Q. Okay. But the one you did  
 4 know of, you didn't use, did you?  
 5 A. At that point, no, sir. Like  
 6 I said, I had a family to feed. I can't  
 7 afford to lose one job for a job I had been  
 8 fired from already. If I'd have left that  
 9 job to try and get that review back, I might  
 10 not have got another job.  
 11 (Whereupon, Defendant's  
 12 Exhibit No. 8 was marked  
 13 for identification.)  
 14 Q. Let's mark this as Exhibit 8.  
 15 And this is Dees 3.  
 16 Mr. Dees, have you had a  
 17 chance to look at Exhibit 8?  
 18 A. Yes, sir.  
 19 Q. Okay. Are you familiar with  
 20 that exhibit?  
 21 A. Yes, sir.  
 22 Q. Okay. Tell me what it is.  
 23 A. It's a yearly training

## FREEDOM COURT REPORTING

Page 273

1 calendar schedule for my unit.  
 2 Q. For a period beginning October  
 3 2006?  
 4 A. Yes, sir.  
 5 Q. Is this -- We talked earlier  
 6 about y'all get a training schedule on an  
 7 annual basis. Was this what you were  
 8 talking about there?  
 9 A. Yes, sir.  
 10 Q. Okay. Would this -- Am I  
 11 correct that this would show all training  
 12 dates beginning October 21 of '06 through  
 13 that training year?  
 14 A. When this schedule was made,  
 15 yes, sir. They were subject to change and  
 16 subject to be added to and taken from.  
 17 Q. Okay. Do you know if from  
 18 October 21st going forward, it was in fact  
 19 changed, added to, or subtracted from?  
 20 A. You'd have to call my unit and  
 21 ask them.  
 22 Q. Again, I'm asking you if you  
 23 know.

Page 274

1 A. I don't remember. It may  
 2 have, may not have been. I don't know.  
 3 Q. Okay. Do you know -- You'd  
 4 indicated there was sort of an initial point  
 5 at which Greg Prater demanded orders. Do  
 6 you know if any of the -- if any of these  
 7 are the dates that he demanded orders for?  
 8 A. Probably several of them.  
 9 Q. You think more than one  
 10 possibly?  
 11 A. It had to have been October.  
 12 Like I said, it was several, several months.  
 13 (Whereupon, Defendant's  
 14 Exhibit No. 9 was marked  
 15 for identification.)  
 16 Q. Okay. And let's go ahead,  
 17 just so you can have both documents, also  
 18 mark as Exhibit 9, your '05 schedule.  
 19 A. This is an '06 schedule. It  
 20 says '06 on top.  
 21 MR. SPORT: I was wondering  
 22 where you got the '05, because I don't have  
 23 it.

Page 275

1 MR. JOHNSON: It's Dees 4.  
 2 A. You got 1 October 05 in the  
 3 upper right-hand corner, but your month and  
 4 dates say '06. This is the company training  
 5 schedule, this is my detachment training  
 6 schedule.  
 7 Q. Okay. Let me make sure.  
 8 MR. SPORT: So somewhere on  
 9 this document is an error, we just don't  
 10 know what it is. It's either in the dates  
 11 or it's on the date of the document. We  
 12 don't know what it is.  
 13 A. This one has company  
 14 commander's signature (indicating), this one  
 15 has my detachment commander's signature  
 16 (indicating).  
 17 Q. All right. Well, let me get  
 18 these marked and we'll talk through them and  
 19 figure out what they show.  
 20 All right. So if we look at  
 21 -- What we've marked Exhibit 9, that shows a  
 22 date of October 1, of '05, but it has drill  
 23 dates in '06; correct?

Page 276

1 A. Yes, sir.  
 2 Q. Does that -- Does that make  
 3 sense to you?  
 4 A. No. I mean, I don't know.  
 5 You'll have to call my unit and ask them.  
 6 Q. Okay.  
 7 A. That would be Sergeant Barnes.  
 8 Q. Look at the fax numbers there  
 9 at the top. Do you recognize any of those  
 10 fax numbers?  
 11 A. Yes, sir.  
 12 Q. What is the -- Do you  
 13 recognize the 334-366-5278?  
 14 A. Yes, sir. That's to my wife.  
 15 Q. That's to your wife?  
 16 A. Yes, sir.  
 17 Q. And the date of that fax  
 18 letter is March 26 of '07; correct?  
 19 A. Yes, sir.  
 20 MR. SPORT: Matt, if I can  
 21 interrupt you.  
 22 MR. JOHNSON: Sure.  
 23 MR. SPORT: It appears those

## FREEDOM COURT REPORTING

Page 277

1 two pages, page three and four, are pages  
2 three and four of a fax that starts with  
3 Dees 1 and 2, which you've already marked  
4 earlier as Exhibit whatever.

5 MR. JOHNSON: Okay.

6 MR. SPORT: So it appears on  
7 March 26th, Sergeant Barnes faxed all four  
8 of those pages. And Dees 5 is simply the  
9 original of the fax version of Dees 3. I  
10 don't know if that clears anything up, but  
11 that's the way it appears.

12 Q. Okay. Well, let's go back on  
13 the Record.

14 Just so I can make sure, if we  
15 look at Exhibit 6 and Exhibit -- I'm sorry,  
16 Exhibit 8 and Exhibit 9, the 334-366-5278  
17 fax number is to your wife; correct?

18 A. Yes, sir.

19 Q. And the date is March the  
20 26th?

21 A. Same day as the letter.

22 Q. Same day as the letter, which  
23 we previously marked as Exhibit 5. So if

Page 279

1 A. Company commander is over the  
2 detachment commander, we fall under the  
3 company.

4 Q. So would Shawn Dall have been  
5 higher up the chain of command than Kevin  
6 Smith?

7 A. No, sir.

8 Q. I got it backwards?

9 A. Yes, sir. Company is down in  
10 Fairhope, we're up in Brewton.

11 Q. Why would orders come from two  
12 different places? Would they not always  
13 come from the same place?

14 A. That's not orders. That's  
15 just the schedule.

16 Q. Why would the schedule come  
17 from two different places?

18 A. Because we're not in the same  
19 building as the company. Our company is  
20 down in Fairhope, we're up in Brewton.  
21 We're in two separate locations.

22 Q. Okay. Now, what is the -- and  
23 the company is the 1165th Detachment 1?

Page 278

1 you'd look -- hold Exhibit 5 up there for  
2 just a second.

3 A. (Witness complies.)

4 Q. All right. So, Mr. Dees, does  
5 it make sense to you that Exhibit 5 goes  
6 along with Exhibit 8 and 9, as a single fax?

7 A. Yes, sir.

8 Q. Okay. And it was sent from  
9 the National Guard unit?

10 A. Yes, sir.

11 Q. Were you there on March the  
12 26th of '07?

13 A. No, sir. I don't believe. I  
14 believe that was a weekday.

15 Q. Okay.

16 A. And if it was, I was at work.

17 Q. And who is Kevin Smith?

18 A. Company commander.

19 Q. And who is Shawn C. Dall?

20 A. Detachment commander.

21 Q. Okay. What's the difference  
22 between company commander and the detachment  
23 commander?

Page 280

1 A. We're Detachment 1, 3rd  
2 Platoon, 1165th Military Police Company.

3 Q. Okay. So does the training  
4 schedule ordinarily come from the detachment  
5 or from the company?

6 A. That depends on the CO, what  
7 he wants, what he tells that lieutenant to  
8 do.

9 Q. Okay. And the CO being who?

10 A. CO being Lieutenant Smith,  
11 which is no longer the CO.

12 Q. Who is now?

13 A. Captain Payne.

14 Q. What's his first name?

15 A. Captain.

16 Q. Or her first name?

17 A. I don't know.

18 Q. And Captain Payne is in  
19 Fairhope?

20 A. Yes, sir.

21 Q. Did you keep records of your  
22 training schedule?

23 A. I have one posted on my

70 (Pages 277 to 280)

## FREEDOM COURT REPORTING

Page 281

1 refrigerator at the house.  
 2 Q. All right. Did you keep it  
 3 for '06?  
 4 A. Do I have it now is what  
 5 you're saying?  
 6 Q. Yes.  
 7 A. Whatever this current year's  
 8 training schedule is on my refrigerator,  
 9 yes.  
 10 Q. All right. But --  
 11 A. Did I keep them from the  
 12 previous?  
 13 Q. Right.  
 14 A. No.  
 15 Q. Okay. Do you have -- Do you  
 16 have a training schedule for the period  
 17 beginning the first part of '07? Will that  
 18 -- I assume that's Exhibit 8 here?  
 19 A. Yes, sir. My company went to  
 20 Fort McClellan for AT this summer, and I  
 21 went this year and I went to Belize for AT.  
 22 Q. AT being annual training?  
 23 A. Annual training.

Page 282

1 Q. And where did that take place  
 2 -- I mean when did that take place?  
 3 A. 12 May through 26 May.  
 4 Q. And the training that you were  
 5 just on?  
 6 A. Yes, sir.  
 7 Q. Tell me what that was called  
 8 again.  
 9 A. Basic Noncommissioned Officers  
 10 Course Phase II and III.  
 11 Q. And was your current employer  
 12 aware you were going on that?  
 13 A. Yes, sir.  
 14 Q. And is your current employer  
 15 aware that you are back?  
 16 A. Yes, sir.  
 17 Q. Okay. Is your current  
 18 employer aware that you are here today?  
 19 A. Yes, sir.  
 20 Q. We've gotten a copy of some  
 21 cell phone records from your attorneys that  
 22 were faxed to us here today.  
 23 A. Yes.

Page 283

1 Q. I want to mark those as  
 2 Exhibit 10.  
 3 (Whereupon, Defendant's  
 4 Exhibit No. 10 was marked  
 5 for identification.)  
 6 MR. SPORT: Matt, do I  
 7 understand you'd like me to get you a little  
 8 more legible copy than that?  
 9 MR. JOHNSON: Yes.  
 10 MR. SPORT: I'll scan it and  
 11 e-mail it to you.  
 12 MR. JOHNSON: That would be  
 13 great. I would appreciate that.  
 14 Q. Mr. Dees, let me let you look  
 15 at Exhibit 10. Unfortunately we're going to  
 16 have to share a little bit on Exhibit 10,  
 17 because it's the only copy we've got -- or  
 18 it's the only copy I've got.  
 19 MR. JOHNSON: Do we have  
 20 another copy? Doesn't matter. Just so I  
 21 understand, has any portion of this been  
 22 redacted, Jeff?  
 23 MR. SPORT: Yes.

Page 284

1 MR. JOHNSON: Do you know  
 2 which portion has been redacted?  
 3 MR. SPORT: Account number and  
 4 carrier.  
 5 MR. JOHNSON: I can see where  
 6 account number is redacted, invoice number  
 7 is redacted --  
 8 MR. SPORT: And the carrier's  
 9 name appears on the page and we redacted  
 10 that. All the phone call information --  
 11 MR. JOHNSON: You mean who  
 12 provided the cell phone service?  
 13 MR. SPORT: Yes.  
 14 MR. JOHNSON: You mean you're  
 15 not going to tell us who he got his cell  
 16 phone from?  
 17 MR. SPORT: I don't think  
 18 you're entitled to it.  
 19 MR. JOHNSON: Well, I'm going  
 20 to ask him about it, and we can argue about  
 21 that later.  
 22 It also suggests here under  
 23 detail for Leon, it says 334, did you redact

71 (Pages 281 to 284)



## FREEDOM COURT REPORTING

Page 285

1 his cell phone number?  
 2 MR. SPORT: Yes.  
 3 MR. JOHNSON: Are you not  
 4 wanting us to know what cell phone number he  
 5 used? I mean was it redacted on purpose?  
 6 MR. SPORT: Yes.  
 7 MR. JOHNSON: What was the  
 8 purpose?  
 9 MR. SPORT: We originally  
 10 objected to it because of privacy reasons.  
 11 It does have something -- The calls made  
 12 around the date in question do have  
 13 something to do with the case, so we  
 14 produced that page, we just don't feel  
 15 you're entitled to the rest of the  
 16 information.  
 17 Q. Okay. I'm going to ask you  
 18 questions now about Exhibit Number 10.  
 19 Mr. Dees, am I correct that it's your  
 20 testimony today and previously that on the  
 21 night in question, when Jim Brookshire saw  
 22 you up on the third level, you were using  
 23 your phone to send a text message to your

Page 286

1 daughter?  
 2 A. Yes, sir.  
 3 Q. And what was the text message  
 4 about?  
 5 A. To let her know that I was  
 6 okay.  
 7 Q. Would there be any reason you  
 8 would not be okay?  
 9 A. Well, she was worried.  
 10 Q. Well, when you say she was  
 11 worried, how do you know she was worried?  
 12 A. Because she called me before I  
 13 got to work on my way to work, I believe.  
 14 Q. Okay. You think she called  
 15 you on your cell phone?  
 16 A. Yes, sir. I believe it's on  
 17 there.  
 18 Q. All right. If you can, show  
 19 me where that is.  
 20 A. I can't for my life make out  
 21 -- I don't know. I see the 14:45, incoming.  
 22 Q. All right. What is the date  
 23 you're looking at?

Page 287

1 A. 13th, February 13th and 14th.  
 2 Q. Okay. And you see a telephone  
 3 call coming in on the 13th?  
 4 A. I don't remember what day --  
 5 What day are you talking about? What day  
 6 are you wanting?  
 7 Q. Well, what I understand to be  
 8 the case, and subject to your agreement or  
 9 disagreement, was that, at least according  
 10 to the witness statements, Jim Brookshire  
 11 saw you in the third level at approximately  
 12 one a.m. on February 14th. So you would  
 13 have been coming to work on the 13th, I  
 14 assume.  
 15 MR. KILBORN: Say that again.  
 16 MR. JOHNSON: He was seen on  
 17 February 14th and would have been -- started  
 18 work on the afternoon or dinnertime on the  
 19 13th.  
 20 A. That's going to be it there,  
 21 the Birmingham, Alabama. 671, whatever it  
 22 is, six-something p.m.  
 23 Q. Say that again.

Page 288

1 A. Right here (indicating),  
 2 whatever this is here. There's two or  
 3 three. It looks like my wife called or  
 4 either the youngest daughter called from the  
 5 house.  
 6 Q. Are you looking on the 13th  
 7 there?  
 8 A. These right here (indicating).  
 9 Q. The 5:23 p.m., I'm assuming  
 10 that's what that says.  
 11 A. Yeah.  
 12 Q. And then six --  
 13 A. Let's see. I start -- I think  
 14 it's these two (indicating), from what I can  
 15 see. I don't -- Six something, I don't know  
 16 what that is.  
 17 Q. All right. Well, let's just  
 18 -- we'll break this thing out -- it says --  
 19 the dotted lines going across, there's seven  
 20 -- this is in the seventh area between the  
 21 dotted lines.  
 22 A. That's the Birmingham call  
 23 there.

72 (Pages 285 to 288)

## FREEDOM COURT REPORTING

Page 289

1 Q. All right. The Birmingham  
2 call from, and is that 205-389-5974?  
3 A. Yes, sir, I believe that's it.  
4 Q. All right. Whose number is  
5 that?  
6 A. That's one of her friends.  
7 Q. That's one of your daughter's  
8 friends?  
9 A. Yes.  
10 Q. So you think that was your  
11 daughter calling from Birmingham?  
12 A. They was down in the basement.  
13 She had left her phone in the room.  
14 Q. Okay.  
15 A. They put them down in the  
16 basement because of the weather.  
17 Q. Okay. And the call right  
18 before that, from a 334 number in  
19 Maplesville, is that your home number or  
20 your wife's number?  
21 A. That's my home number.  
22 Q. Okay. And then the next  
23 number from Maplesville, I'm assuming that's

Page 291

1 Q. Okay. Let me ask you here.  
2 Looks like on February 14th, there's a  
3 couple of incoming calls from -- I'm  
4 guessing that's 334-419-1445?  
5 A. That's my number. It says  
6 incoming. I don't know who it was.  
7 Q. That's your home phone number?  
8 A. No, sir. That's my cell  
9 number. I don't know who was calling. I  
10 don't know. It just lists it as an incoming  
11 call.  
12 Q. Well, on your cell phone  
13 records does it list as an incoming call --  
14 A. It's listed there as an  
15 incoming call.  
16 Q. I'm just trying to figure out,  
17 it looks to me -- I'm just trying to read  
18 your records, does it not make more sense  
19 that the calls to Maplesville and Birmingham  
20 were calls that were made by you to somebody  
21 else?  
22 A. No, sir. Like this here  
23 (indicating), it lists my number, that means

Page 290

1 also your home number?  
2 A. Yes, sir.  
3 Q. Okay. Can you read what time  
4 that came in to you?  
5 A. I have no idea.  
6 Q. Okay.  
7 A. Something P, twenty-eight P.  
8 Q. All right. Now, do you carry  
9 your personal cell phone with you when you  
10 were in the plant?  
11 A. Yes, sir.  
12 Q. All the time?  
13 A. Reason being, those radios --  
14 like I said, those radios, sometimes they  
15 work, sometimes they didn't. A lot of times  
16 we would -- Prater told us if we had a  
17 breakdown over five or ten minutes, to call  
18 him at home, no matter what time of the  
19 night it was. And we got called by him on  
20 our personal phones that we paid for the  
21 calls a lot of times on breakdowns. I even  
22 had to call Mr. Moon several times on  
23 breakdowns.

Page 292

1 they don't know who the number was that  
2 called me.  
3 Q. Oh, okay. So is it -- is this  
4 all incoming calls or does it -- On your  
5 phone records, does it separately list calls  
6 that you made outgoing?  
7 A. I ain't never been asked  
8 before, so . . .  
9 Q. All right. Does it separately  
10 list calls -- text messages that goes out?  
11 A. It just charges you for each  
12 text message.  
13 Q. Okay. Does it indicate when  
14 you made those text messages?  
15 A. No, sir. You just get a  
16 charge.  
17 Q. All right. Do you still have  
18 the same telephone number?  
19 A. Yes, sir.  
20 Q. And have you reviewed your  
21 telephone to see if you still have the text  
22 messages on it from this period of time?  
23 A. A year ago? No, sir. I never

73 (Pages 289 to 292)

## FREEDOM COURT REPORTING

Page 293

1 did get through that night. The weather was  
2 bad. Sometimes it could be sunny outside  
3 and for some reason you may not get through,  
4 you may get through.

5 Q. And just to be safe, I want to  
6 make sure we're clear. When you said a year  
7 ago, I'm talking about back in February of  
8 this year?

9 A. All right. This is November.

10 Q. Okay. I just want to make  
11 sure you were also talking about February of  
12 this year.

13 A. Yes, sir.

14 Q. Okay. Do you -- Do you have  
15 any idea whether your cell phone records  
16 show anything about text messages incoming  
17 or outgoing as per a specific time?

18 A. You get a charge, ten cents  
19 per message, period.

20 Q. And what is your complete  
21 telephone number, cell phone number? And I  
22 promise I won't use it to call you.

23 A. If you're writing it down, I

Page 295

1 be an incoming call.

2 A. If I get an incoming call and  
3 it comes up unknown number, they can't get  
4 the number, they put my number down.

5 Q. Okay. And what about if it's  
6 an incoming call from your daughter, what  
7 does it show?

8 A. That's it right there,  
9 Birmingham.

10 Q. And what if you make a call to  
11 your daughter in Birmingham?

12 A. Well, hold on, let me see if I  
13 can find one.

14 Q. And, again, this is for your  
15 attorney's benefit --

16 A. That may have been a call to  
17 her friend's phone, I don't know.

18 MR. JOHNSON: Without the  
19 complete records, Mr. Sport, I'm having a  
20 difficult time making heads or tails of this  
21 thing.

22 MR. SPORT: What else is  
23 there?

Page 294

1 ain't saying it.

2 Q. I need you to say it.

3 A. 334-419-1445. I thought you  
4 weren't going to write it down.

5 Q. I never said that.

6 Again, I'll make a promise to  
7 you, I'm not going to give it to anybody  
8 who's going to give it out.

9 MR. KILBORN: That's covered  
10 by the protective order we agreed on; right?

11 MR. JOHNSON: That's fine. I  
12 agree.

13 Q. Do you know if you made any  
14 outgoing telephone calls on the night in  
15 question?

16 A. You've got the record.

17 Q. Okay. Again, it's hard for me  
18 to, one, read it; and, two, it's hard to  
19 tell which is incoming and which is  
20 outgoing. I mean, are -- because I think  
21 what you told me earlier was that the ones  
22 that say, for instance, Birmingham, Alabama,  
23 isn't necessarily an outgoing call, it might

Page 296

1 MR. KILBORN: Hold on. We  
2 gave you what you asked for. Now, we can  
3 stop there.

4 We asked to inspect the plant.  
5 Somebody on the legal team took the position  
6 that we were a couple days late, therefore,  
7 we couldn't inspect the plant. Now, I'll  
8 give you plenty more discovery which I don't  
9 have to give you, as an accommodation, but I  
10 expect the same.

11 MR. JOHNSON: I think you have  
12 to give us his cell phone records. I was  
13 trying to be gracious to you and your client  
14 by not demanding them all. And I haven't  
15 demanded them all. All I'm doing is saying  
16 now that we're at the deposition and I can't  
17 make heads nor tails of it in order to  
18 examine the witness, then it's appropriate  
19 for me to get.

20 MR. KILBORN: This was covered  
21 by your request for production, that's why  
22 we gave it to you.

23 MR. JOHNSON: I think

## FREEDOM COURT REPORTING

Page 297

1 technically, it's all covered by the request  
2 for production and the protective order.

3 MR. KILBORN: What period of  
4 time?

5 MR. JOHNSON: For the night in  
6 question, and that would include --

7 MR. KILBORN: That is in  
8 response to the request for production.

9 MR. JOHNSON: I think it's  
10 fair for me to get the whole record. You're  
11 giving me one page out of --

12 MR. SPORT: What are you  
13 asking me for?

14 MR. JOHNSON: What I'm asking  
15 you for is all seven pages of that invoice  
16 so I can make the interpretation fairly  
17 whether or not there is other information  
18 that helps me to interpret the single page  
19 that you've provided in a redacted version.

20 I'm not fussing at you for  
21 redacting it, that's perfectly fine with me.  
22 What I'd like to see is the entire invoice.  
23 And I also want --

Page 298

1 MR. KILBORN: What did you ask  
2 for?

3 MR. JOHNSON: I asked for the  
4 whole thing and he said he would provide me  
5 records --

6 MR. KILBORN: You did?

7 MR. JOHNSON: -- from the  
8 evening in question.

9 MR. KILBORN: Will you show me  
10 that request?

11 MR. JOHNSON: Okay.

12 All I can say is that by fax  
13 dated August the 9th, your partner,  
14 Mr. Sport, said: Your statement that we  
15 agreed to, quote, produce copies of your  
16 client's mobile phone records inclusive of  
17 the entire shift he worked on the night in  
18 question is incorrect. Rather he says: We  
19 agreed to produce our client's cell phone  
20 records for the time period in question  
21 only.

22 All right. The time period in  
23 question only would be the night of this

Page 299

1 incident. It does not necessarily mean that  
2 you're not going to give me the entire  
3 invoice.

4 MR. KILBORN: I think it does.  
5 I'm just telling you that I don't mind  
6 discussing a fair exchange of documents, but  
7 I want the same consideration and not some  
8 technicality that we were two days late.

9 Let me just say this. Let me  
10 look at the entire bill. I don't  
11 necessarily -- I don't necessarily think  
12 there's a problem, but I don't think it's  
13 going to help you and here's why. I used to  
14 be with a carrier that provided a bill like  
15 this. My current carrier actually shows to  
16 and from, so you know if it's outgoing or  
17 incoming. These don't do that. But my  
18 former carrier that gave me a bill identical  
19 to this, this is what it means, and you can  
20 make this out, kind of sort of. And when I  
21 give you the cleaner copy, you'll be able to  
22 see. This says number called, that's that  
23 column title, this column is entitled

Page 300

1 destination called.

2 When you see destination  
3 called and a city, I believe that indicates  
4 an outgoing call; and when there's an  
5 incoming call, instead of a destination  
6 city, it says incoming call. That's what I  
7 believe this means. Other than contacting  
8 the carrier and confirming that, I don't  
9 know how the rest of the bill will help you.

10 MR. JOHNSON: Again, you  
11 hadn't provided that to us, so I don't know.  
12 It may not, I agree with you. But I can't  
13 feel like I'm doing my job --

14 MR. SPORT: Is that your  
15 question, you want to know what's outgoing  
16 and what's incoming?

17 MR. KILBORN: Let's go off the  
18 Record and you and I will talk. Take a  
19 break.

20 (Recess taken.)

21 (Whereupon, Defendant's  
22 Exhibit No. 11 was marked  
23 for identification.)

## FREEDOM COURT REPORTING

Page 301

1 Q. All right. Mr. Dees, we're  
2 going back on the Record now, just so you  
3 know.

4 Let me show you what I have  
5 marked as Defendant's Exhibit 11. And I  
6 know that you and your attorneys had an  
7 opportunity to look at that just before we  
8 got started; is that correct?

9 A. Yes, sir. We had just seen  
10 the box before we got started?

11 Q. Right.

12 A. Yes, sir.

13 Q. And just for the Record, I  
14 gave you a box of items; correct?

15 A. Yes, sir.

16 Q. And you reviewed the contents  
17 of the box?

18 A. Yes, sir.

19 Q. And were the contents of the  
20 box consistent with what's indicated on  
21 Exhibit 11?

22 A. Yes, sir. But you got to take  
23 into account, like I said, my locker was

Page 303

1 that you mentioned earlier?

2 A. Yeah. I mean, I had Army pay  
3 stubs in there, with my account number,  
4 where my money is being sent, my social, all  
5 my information pertaining to my Army -- my  
6 account that my Army check goes into, and my  
7 military service --

8 Q. Did they get sent to you --

9 A. -- notes. No, they didn't get  
10 sent to me. The only thing I received since  
11 I left was when you brought that box today.  
12 I haven't received, I haven't heard from  
13 them, nothing.

14 Q. Your Army pay stubs, were  
15 those sent to you at Hyundai? Did you  
16 receive your paycheck at Hyundai?

17 A. No, sir. I had it in my  
18 pocket, and carried it in there, and forgot  
19 it, took it out and put it in my locker.

20 Q. Is it one pay stub?

21 A. No. It's several. But like I  
22 said, it had my savings account number, my  
23 Social Security number, it had everything on

Page 302

1 left unlocked for several months, then a  
2 lock was placed on it, then a lock was taken  
3 off, and then whoever -- one of y'all was  
4 videoed taking the contents out of the  
5 box --

6 Q. Okay.

7 A. I mean, out of the locker.

8 Q. Okay.

9 A. I mean, there's no chain of  
10 custody there.

11 Q. Okay. But I just want to make  
12 sure that we're clear on the box of items  
13 that was given to you today was consistent  
14 with what's listed on that sheet?

15 A. You can have them back.  
16 That's not my stuff on that box. The tools  
17 belong to Hyundai.

18 Q. Now, let me ask you this.  
19 With respect to the list of items there on  
20 Exhibit Number 11, do you have any reason to  
21 think at the time of your termination there  
22 were other items in that locker, other than  
23 the jacket that you got back and some notes

Page 304

1 there.

2 Q. Your pay stubs have your  
3 Social Security number on it and your  
4 account number for your bank?

5 A. An Army pay stub, yes, sir, it  
6 does.

7 Q. Do you have subsequent Army  
8 pay stubs?

9 A. Yes, sir, somewhere.

10 Q. All right. The ones that you  
11 do have, are they in the same format and  
12 look just like the ones that were in your  
13 locker on date of termination?

14 A. Yes, sir. It's got my rank,  
15 my years of service, unit.

16 Q. And this is just a pay stub,  
17 that's all we're talking about?

18 A. Yeah. There was a couple of  
19 them. I mean I don't know.

20 Q. All right.

21 A. At the time, yeah, I left a  
22 lot of stuff in there. That was back in  
23 February. And y'all show up with stuff that



## FREEDOM COURT REPORTING

Page 305

1 don't even belong to me. That stuff there  
2 belonged to Hyundai. You can carry it back  
3 to them. My personal stuff, they left.

4 Prater went in, left my tool  
5 bag, everything out there, everything in my  
6 locker, and brought me that jacket with that  
7 little MP3 player and my notes was missing  
8 and everything is -- and this here, I can't  
9 even read hardly.

10 Q. I'm trying to figure out what  
11 else you had in your locker, other than  
12 what's on that list, the MP3 player, the  
13 notes, the pay stubs, and the jacket. Can  
14 you think of anything?

15 A. No, sir.

16 Q. Was there anything else of  
17 value in that locker?

18 A. I don't know.

19 Q. Okay.

20 A. I don't know.

21 Q. Now, how many Army pay stubs  
22 would there have been?

23 A. There was two or three.

Page 306

1 Q. Two or three?

2 A. Yes, sir.

3 Q. Okay. And do you know what  
4 months they were for?

5 A. No, sir.

6 Q. Do you remember when you put  
7 them in your locker?

8 A. No, sir.

9 Q. Do you remember how long they  
10 were in your locker?

11 A. No, sir.

12 Q. Do you remember showing them  
13 to anybody or talking to anybody about it?

14 A. No, sir.

15 Q. And when you say pay stubs,  
16 are they literally pay stubs where you tear  
17 the check off the bottom half?

18 A. No, sir. It's a computer  
19 printout.

20 Q. Okay. It just shows what was  
21 direct deposited into your account?

22 A. Yes, sir.

23 Q. Okay. So it doesn't actually

Page 307

1 come with an actual check?

2 A. No, sir.

3 Q. And is it on a  
4 eight-and-a-half-by-eleven, normal sheet of  
5 paper size thing?

6 A. Yes, sir.

7 Q. And I assume, like regular pay  
8 stubs, it shows, you know, what your gross  
9 is, what they took out, what they withheld  
10 for taxes, and that kind of stuff?

11 A. Yes, sir.

12 Q. Okay. Anything else you can  
13 think of that was in your locker?

14 A. I don't know. I hadn't  
15 thought about it today.

16 Q. All right. Well, have you  
17 thought about it before today?

18 A. A while back, after I'd gotten  
19 fired, yes, sir, I did.

20 Q. All right. Did you write down  
21 what you thought was in your locker at that  
22 point in time, take notes on it?

23 A. No, sir, I did not. I was

Page 308

1 flustered, I was mad.

2 Q. Does being mad make you not  
3 take notes?

4 A. No, sir. That didn't have  
5 nothing to do with me not taking notes.

6 Q. Okay.

7 A. That had everything to do with  
8 me being flustered and mad because I had  
9 gotten fired for somebody recommending that  
10 I be fired, off of a recommendation that he  
11 had made. It's right there in your letter  
12 that you had, that he recommended it.

13 Q. What are you talking about?

14 A. Prater. He recommended it.

15 Q. I know what you're talking  
16 about. But you're referring to Prater?

17 A. Yeah. It said he recommended  
18 it: Based on this conversation, I feel that  
19 even if he were not sleeping, that he  
20 doesn't care enough about his job to defend  
21 anyone from thinking he was sleeping. John,  
22 my recommendation is termination.

23 Q. What exhibit are you referring

## FREEDOM COURT REPORTING

Page 309

1 to?

2 A. Number 6.  
3 (Whereupon, Defendant's  
4 Exhibit No. 12 was marked  
5 for identification.)

6 Q. Okay. Let me show you what  
7 we've marked as Exhibit 12, and that's Dees  
8 versus HMMA number 6, deposition Exhibit 12.

9 A. Where is 9? Or have I got  
10 them. I got them backwards. Hold on.

11 Q. Do you recognize that  
12 document, Mr. Dees?

13 A. I've never seen this document.

14 Q. You've never seen that  
15 document?

16 Is it your testimony you've  
17 never seen that?

18 A. Not until -- I believe I saw  
19 it yesterday, but prior to that, no, I'd  
20 never seen this document.

21 Q. You indicated that when you  
22 met with Wendy Warner and some others at the  
23 time of your termination, Wendy Warner had a

Page 311

1 HMMA management in the third floor overhead  
2 sleeping. HMMA policy states, quote,  
3 serious and excessive violations of HMMA's  
4 performance standards, end quote, is a  
5 serious misconduct violation.

6 I won't read the whole thing,  
7 but since you're looking at Exhibit 12, what  
8 you're reading there, is that consistent  
9 with what she read to you?

10 A. I don't know. Like I said, I  
11 had been floored. The only thing I heard  
12 was sleeping and terminated immediately, and  
13 I couldn't believe it.

14 Q. Okay.

15 A. I mean, that was --

16 Q. Do you -- Just so I can make  
17 sure that the Record is clear, what does  
18 cleaning the pit involve?

19 A. Cleaning the pit involves  
20 picking all the scrap up around the  
21 conveyors that's fallen while the presses  
22 are running. And you have a -- It's very  
23 dangerous because you're doing it, you're

Page 310

1 piece of paper that as you testified,  
2 slammed it on the table?

3 A. Yes, sir.

4 Q. Did you read that document?

5 A. No, sir, I didn't read it.

6 She read a document that she had in her hand  
7 that she was holding up at an angle that she  
8 could see. I was sitting across the table  
9 from her. She read the document, she  
10 finished it, placed it face down on the  
11 table like that (indicating).

12 Q. Do you remember anything about  
13 what she read out loud to you?

14 A. Just that I had been accused  
15 of sleeping and I was being terminated  
16 immediately.

17 Q. All right. Was that on  
18 February 26th?

19 A. That was it.

20 Q. Do you remember if the letter  
21 said anything like this: Dear Leon, it has  
22 been brought to my attention on February  
23 14th, 2007, you were found by a member of

Page 312

1 down there, you have no communication, if  
2 anything happens to you, you're there until  
3 someone decides to come looking for you.

4 Q. Would you go there without  
5 telling somebody you're in it?

6 A. I wouldn't go there unless  
7 told to go there.

8 Q. Would the -- Are the -- You  
9 say the presses are running when you're down  
10 there?

11 A. Yes, sir.

12 Q. And I want to make sure I  
13 understand. I mean, the presses aren't some  
14 giant thing that comes down and stamps where  
15 you're actually standing when you're  
16 cleaning out the pit, is it?

17 A. No, sir. But the scraps are  
18 falling down where you're actually standing.  
19 I mean, it's falling onto a metal conveyor,  
20 but the reason you're having to go clean the  
21 pit is because it bounces out of that  
22 conveyor onto the floor. And you do -- you  
23 get stuck. You've got little protective

## FREEDOM COURT REPORTING

Page 313

1 gloves, but it only covers your forearms and  
2 your hands, everything else is fair game.

3 Q. But what we're talking about  
4 is picking up or removing, essentially,  
5 debris from the stamping equipment that  
6 comes off a conveyor belt?

7 A. No, sir. We're talking about  
8 putting yourself in a hazardous situation  
9 with scrap falling thirty foot into a chute,  
10 bouncing off a metal conveyor, coming down  
11 right beside your head, your back, your  
12 neck, everything else that's exposed. And  
13 the gloves you're wearing is only cut  
14 resistant, not cut proof.

15 Q. Do you have any reason to  
16 think that working in the pit is  
17 unreasonably dangerous or inappropriate?

18 A. It's very dangerous. Like I  
19 said, you got sharp steel coming down  
20 through these chutes, sheet metal, some of  
21 it is perfectly square corners, some of it  
22 comes out to a razor point. And that's the  
23 reason you're cleaning it, because it

Page 314

1 doesn't stay in the conveyor, it bounces out  
2 all over the place. And if you get hit by  
3 it, you get cut no matter what you're  
4 wearing.

5 Q. To your knowledge, has anybody  
6 been injured because of the pit?

7 A. Several people has been --  
8 Well, I believe somebody has. I don't  
9 remember who it was.

10 Q. You don't recall?

11 A. No.

12 Q. Okay.

13 A. The metal is very sharp.  
14 They've got numerous instances of people  
15 getting cut by that metal.

16 Q. Is there -- Did you ever get  
17 cut by the metal?

18 A. I got -- Yes, sir. Not bad  
19 cuts where I had to have stitches, no.

20 Q. Did you file any sort of  
21 worker's comp claim or report an injury or  
22 anything like that?

23 A. No, sir.

Page 315

1 Q. Did you ever see -- Do y'all  
2 have a nurse or doctor on site at the plant?

3 A. Yes, sir. But you was  
4 discouraged from going there.

5 Q. Did you ever get hurt and go  
6 there?

7 A. No, sir, I never went there.

8 Q. Okay.

9 A. If I got a cut, I covered it  
10 up and I drove home.

11 Q. Did you ever file any  
12 complaints to anybody in management about  
13 the pit?

14 A. Yes, sir, I did. Several  
15 times.

16 Q. Who was that?

17 A. I went to HR and Applegate.

18 Q. Did you file any written  
19 complaints?

20 A. No, sir. Like I said, they  
21 didn't have a format or process for filing  
22 written complaints.

23 Q. Okay. When you talked to

Page 316

1 Applegate, what did he say about the pit?

2 A. Like I said this morning, he  
3 said it all pays the same, what's your  
4 problem.

5 Q. Who did you talk to in HR  
6 about the pit?

7 A. I believe it was Keisha.

8 Q. Keisha. And what did she say  
9 about the pit?

10 A. She said she would get with  
11 Applegate and Prater. The next thing I know  
12 I'm going to talk to Applegate.

13 Q. Okay. Do you have any reason  
14 to think you've been discriminated against  
15 or harassed for any other protected  
16 characteristic like sex, age, race?

17 A. Everything stems around my  
18 military career, everything. Like I say, it  
19 all started with harassment about my orders.  
20 Everything had to do with my weekend drill,  
21 all the way from Prater to HR. Every time  
22 I'd go to them, the letter from my unit, the  
23 e-mail, everything all the way to the

## FREEDOM COURT REPORTING

Page 317

1 recommendation for Prater saying I recommend  
2 him for termination, everything stemmed  
3 around my Guard duty.

4 Q. Okay. And so I'm assuming  
5 that since you're saying everything stems  
6 from your Guard duty, I'm assuming it would  
7 be safe to rule out any other issues, like  
8 age, race, sex, religion, anything like  
9 that?

10 A. I reckon.

11 Q. You would agree?

12 A. I mean, I don't know what --

13 Q. Let me ask you this --

14 A. Like I said, everything come  
15 from my Guard duty. As far as to my  
16 knowledge, everything from the beginning  
17 from when it started, to the end, to my  
18 knowledge, seemed like it come from my Guard  
19 duty and my commitment to the Guard.

20 Q. Let me ask you some pretty  
21 simple questions. Were you terminated  
22 because of your age?

23 A. Well, they say I was

Page 319

1 just want to rule out that there's no other  
2 lawsuits coming in the future related to  
3 this.

4 MR. KILBORN: You're not.  
5 That's guaranteed.

6 MR. JOHNSON: Okay.

7 Q. And when did you first start  
8 taking notes about the harassment issues?

9 A. The very first time it  
10 happened.

11 Q. The very first time?

12 A. Yes, sir.

13 Q. Okay. And did you ever show  
14 your notes to any of your coworkers?

15 A. We went through this this  
16 morning.

17 Q. That's right. Did you ever  
18 show them to anybody in HR?

19 A. No, sir.

20 Q. And would it be fair to state  
21 that --

22 A. I never showed them to no one  
23 in HR, but I made the complaints from my

Page 318

1 terminated because I was sleeping. But,  
2 like I say, that all started because of my  
3 Guard duty.

4 Q. Are you saying you were  
5 terminated because of your age?

6 A. I'm not saying anything. I'm  
7 saying I was terminated because of my Guard  
8 duty is what I'm saying.

9 Q. Were you discriminated against  
10 because of your age?

11 A. Like I said before, I believe  
12 I was terminated against because of my Guard  
13 duty service.

14 Q. Were you discriminated against  
15 because of your age?

16 A. I have no idea.

17 Q. Is that a yes or no, were you  
18 or weren't you?

19 MR. KILBORN: Don't raise your  
20 voice. We're not suing over any type of  
21 discrimination other than the circumstances  
22 that we sued over.

23 MR. JOHNSON: I agree. And I

Page 320

1 notes to HR. When I went to HR, I discussed  
2 what was on my notes.

3 Q. Okay.

4 A. Did I pull them out and show  
5 them to them? No.

6 Q. Other than with respect to  
7 your military service, how was your  
8 relationship with Greg Prater?

9 A. He was my boss, I was the  
10 employee.

11 Q. I mean, was he a good boss?

12 A. No.

13 Q. Why not?

14 A. I mean, well, you talked to my  
15 coworkers.

16 Q. I'm talking to you now.

17 A. He has no supervisory skills.

18 Q. Okay. What makes you say  
19 that?

20 A. His mismanagement of funds,  
21 his mismanagement of time.

22 Q. Mismanagement of funds, how?

23 A. Not ordering parts, then when

80 (Pages 317 to 320)

## FREEDOM COURT REPORTING

Page 321

1 he ordered parts, he ordered too many of the  
2 wrong thing and not having money to order  
3 the right parts.

4 Q. Mismanagement of time, how is  
5 that?

6 A. Scheduling people to come in  
7 on the weekend to work and not having the  
8 parts there to do the job.

9 Q. Did you have any problems with  
10 Greg Prater because of that? Did you tell  
11 him he was a bad manager?

12 A. No, sir. It wasn't my job.

13 Q. Did you ever suggest to him  
14 that he wasn't a good manager?

15 A. No, sir. I was being paid to  
16 do a job, and I did the job I was paid to  
17 do.

18 Q. Did you ever indicate to him  
19 that he didn't do his job well?

20 A. No, sir.

21 Q. Okay.

22 A. Several others did, but not  
23 me.

Page 323

1 Barnes got sent?

2 A. Yes, sir. That's why I had  
3 Sergeant Barnes send the letter. That's why  
4 I made a complaint to my unit, and Sergeant  
5 Richberg made the recommendation.

6 Q. Okay.

7 A. Like I said earlier, the only  
8 thing HR was concerned about was he told us  
9 we couldn't talk to them. They could care  
10 less whether his harassment about my Guard  
11 service or not.

12 Q. All right. How was Greg  
13 Prater viewed by your coworkers?

14 A. You'll have to ask them that.

15 Q. Well, did they ever say  
16 anything to you about what they thought of  
17 him?

18 A. Yeah.

19 Q. What did they say?

20 A. I don't remember specific  
21 quotes. He wasn't very popular.

22 Q. Okay. Did he have specific  
23 problems with anybody?

Page 322

1 Q. Not you? You never did?

2 A. No, sir.

3 Q. Okay. Now, before the letter  
4 was sent from Sergeant Barnes, back in  
5 October --

6 A. Yes, sir.

7 Q. -- did you have any problems  
8 with Greg Prater?

9 A. That's the reason the letter  
10 was sent.

11 Q. Okay. And prior to that time  
12 in October, can you think -- do you have any  
13 idea how many times you had issues with Greg  
14 Prater?

15 A. I don't know.

16 Q. Was it one instance and then  
17 Sergeant Barnes -- you had Sergeant Barnes  
18 send that letter?

19 A. No, sir. If it had been one  
20 incident, I wouldn't have sent it. I don't  
21 hit the panic button for no reason.

22 Q. Had you gone to human  
23 resources before the letter from Sergeant

Page 324

1 A. You'll have to ask them that.

2 I can't testify as to their problems they  
3 had with or without him. I don't know.

4 Q. Do you remember anything any  
5 of your coworkers ever said about problems  
6 they were having with Prater?

7 A. No, sir.

8 Q. Do you recall any of your  
9 coworkers ever arguing with Prater in your  
10 presence?

11 A. Well, that very first day we  
12 went to HR, everybody was arguing with him.

13 Q. About what?

14 A. When he told us we couldn't go  
15 to HR. And Chris Weihe jumped on him about  
16 making fun of my military career and about  
17 harassing me about my military career.

18 Q. What did Chris say?

19 A. I don't remember exact words.

20 I don't know.

21 Q. Were you there when he said  
22 them?

23 A. Oh, yeah, we was there. The



## FREEDOM COURT REPORTING

Page 325

1 whole shift was there.  
 2 Q. Do you remember approximately  
 3 what Chris said?  
 4 A. No. That was over a year ago.  
 5 Q. Okay. Can you think of  
 6 anybody other than Chris Weihe that might  
 7 have said something to Prater about your  
 8 military service?  
 9 A. Some of the fellows on the  
 10 other shift said they did, I don't know.  
 11 Q. Do you know if Chris Weihe is  
 12 still working at the plant?  
 13 A. Yes, he is.  
 14 Q. He hasn't been terminated for  
 15 taking up for you or anything like that?  
 16 A. No. Well, I take that back,  
 17 Drake and -- Who is it? I think it was  
 18 Drake and Hanks both said something to him.  
 19 Q. To who?  
 20 A. Prater.  
 21 Q. Do you know what they said?  
 22 A. No.  
 23 Q. Were you there when they said

Page 327

1 basically a ruse, a joke.  
 2 Q. How did he say that?  
 3 A. Y'all ain't nothing but a  
 4 bunch of weekend wienie wannabe's, something  
 5 of that nature. And all the time -- Like I  
 6 said, you got a fellow sitting here saying  
 7 he's been to Baghdad, talking about how many  
 8 people he's killed and everything, and then  
 9 all of a sudden you've been over there a  
 10 couple times, you've done it, and sitting  
 11 there and telling you you're a joke. I  
 12 mean, as far as actual knock-down dragouts,  
 13 no, I don't -- I can control myself better  
 14 than that.  
 15 Q. What about him? Did he ever  
 16 yell at you?  
 17 A. He yelled at everybody.  
 18 Q. When you say yelled, did he  
 19 literally raise his voice?  
 20 A. Oh, yeah. When I say he  
 21 yelled, yes, he yelled.  
 22 Q. Did he ever yell at you about  
 23 your military service?

Page 326

1 it?  
 2 A. Yeah. But that was -- that  
 3 was -- that was a pretty good -- pretty big  
 4 meeting. And I -- He had jumped on me  
 5 pretty hard about my Guard duty that day.  
 6 Q. How did he jump on you?  
 7 A. Telling me that all we did was  
 8 go down there and party, we didn't train.  
 9 Q. Was it --  
 10 A. All we was was a bunch of  
 11 losers wanting to play army.  
 12 Q. Was that the worst incident?  
 13 A. Was that the worst incident?  
 14 Probably not. That was probably the worst  
 15 group incident.  
 16 Q. Okay. What was the worst  
 17 incident that the two of you had?  
 18 A. I mean, we never -- I never  
 19 got in a shouting match.  
 20 Q. What is the worst thing he  
 21 ever said to you?  
 22 A. Like I said, basically telling  
 23 me I wasn't -- that my military career was

Page 328

1 A. Yeah.  
 2 Q. What did -- How did he yell at  
 3 you? What did he yell at you?  
 4 A. You're going to bring me some  
 5 military orders. And come in Monday:  
 6 Where's my orders? If you don't bring them,  
 7 you're going to get wrote up. You're going  
 8 to get fired for your military service. You  
 9 were supposed to be here this weekend.  
 10 If you haven't talked to him,  
 11 I'm sure you will, which I'm sure you have.  
 12 Q. Anything else that he said?  
 13 A. I don't remember. I mean, it  
 14 was -- it was an ongoing event for several,  
 15 several months.  
 16 Q. But I need to make sure I know  
 17 what he did.  
 18 A. Okay. We've covered it.  
 19 Q. All right.  
 20 A. I'm telling you what he did.  
 21 Like I said, you talk to my friends, you  
 22 pretty much know.  
 23 Q. Is there anything else that

## FREEDOM COURT REPORTING

Page 329

1 Greg Prater did or said that you felt was  
2 harassing in any way?

3 A. Yeah. Like I said -- Like I  
4 started out this morning, my military  
5 service became an issue, and it never went  
6 away. It stayed an issue, it caused  
7 problems. And I believe, to my utmost  
8 ability, that that was the reason I'm fired  
9 -- I was fired. I mean, everything points  
10 -- everything falls back on my military  
11 commitment, everything, from get-go to  
12 finish.

13 I don't care what her letter  
14 (indicating) says, even -- Like I said,  
15 Prater's recommendation, even if he wasn't  
16 sleeping, I recommend he be terminated.  
17 Everything falls back to me not providing  
18 something that I cannot provide for a drill,  
19 for a weekend.

20 MR. KILBORN: For the Record,  
21 you pointed to a Defendant's Exhibit 12.

22 THE WITNESS: Yes, sir.

23 MR. KILBORN: All right. I

Page 331

1 your cell phone was the question asked.

2 Q. Okay.

3 A. So they ignored -- They threw  
4 their own policy out the window, as they did  
5 with everything else, as they did with their  
6 policy on the military leave. Prater  
7 telling me he's going to make me use my  
8 vacation time in lieu of my military leave.

9 Q. They never did that, though?

10 A. No, sir, he didn't.

11 Q. Okay.

12 A. But I didn't know that.

13 Q. You called -- Why is it you  
14 made the decision to call Mr. Moon after you  
15 were terminated? Why Mr. Moon?

16 A. He was the only person I knew  
17 to call.

18 Q. Why didn't you call Mr. Moon  
19 and complain about Greg Prater when he was  
20 allegedly harassing you?

21 A. The Koreans -- Well, everybody  
22 complained to Mr. Moon about Prater.

23 Mr. Moon knew how Prater was, that's what he

Page 330

1 just wanted the Record to be clear what you  
2 pointed to.

3 Q. Mr. Dees, was using the cell  
4 phone for text messaging or other personal  
5 purposes, a violation of Hyundai policy or  
6 other policy?

7 A. Well, you've got their policy  
8 there somewhere, I know.

9 Q. I'm asking you?

10 A. Their policy states your cell  
11 phone is to be kept in your locker and only  
12 used on breaks and lunch breaks. And as I  
13 stated earlier, Prater, Mr. Moon, Applegate  
14 even called some of our team members on our  
15 personal cell phones during breakdowns  
16 wanting to know what was going on.

17 Q. Okay.

18 A. Their policy said one thing,  
19 they enforced something else.

20 Q. Okay.

21 A. And that come from management,  
22 all the way down. And if you didn't have  
23 your cell phone, why didn't you call me on

Page 332

1 said.

2 Q. Did you?

3 A. Yeah, I complained to  
4 Mr. Moon.

5 Q. What did you tell Mr. Moon  
6 about Prater before you were terminated?

7 A. The exact comments, I have no  
8 idea.

9 Q. Did you tell him he's  
10 harassing me because I go on Guard duty?

11 A. Yes, I did. I told Mr. Moon  
12 that I was being picked on by Greg Prater,  
13 by Applegate, and HR. And he said, look, I  
14 know Prater is a bad man. Give me time.

15 Q. This was before you were  
16 terminated?

17 A. Yes. I wasn't the only one  
18 that complained to him.

19 Q. Okay.

20 A. But as far as, like I said,  
21 about my Guard duty, yes, I did. I didn't  
22 know nobody else to call. Mr. Moon was the  
23 only one I knew. He was the other

## FREEDOM COURT REPORTING

Page 333

1 counterpart, the Korean counterpart, my  
 2 Korean boss in that shop, and I called him.  
 3 Q. What I'm trying to make sure I  
 4 understand, is in the sense that you called  
 5 him after you were terminated, did you call  
 6 him or have your wife call him during the  
 7 period in which you were allegedly harassed  
 8 to try to get him to stop Greg Prater?  
 9 A. No. I talked to him a few  
 10 times at work. But I didn't know I was  
 11 being terminated. How am I supposed to call  
 12 somebody if I don't know I'm being  
 13 terminated?  
 14 Q. Did you know you were being  
 15 harassed?  
 16 A. Yes. Why do you think I went  
 17 to HR.  
 18 Q. So you knew that but you  
 19 didn't go to Mr. Moon with that?  
 20 A. I told you earlier that I  
 21 complained to Mr. Moon about one time and he  
 22 said give me time. And Prater was -- He  
 23 knew Applegate. But apparently it didn't do

Page 334

1 no good, they told him to leave it alone.  
 2 Q. Is that the only discussion  
 3 you had with Mr. Moon about the harassment?  
 4 A. Probably. Because the Koreans  
 5 don't like to discuss problems like that.  
 6 They think if they wait, they will just go  
 7 away; that's their custom.  
 8 Q. Do you have any reason to  
 9 think that Mr. Moon talked to President Ahn  
 10 about the situation?  
 11 A. Say again.  
 12 Q. Do you have any reason to  
 13 think that Mr. Moon spoke to President Ahn  
 14 about your situation?  
 15 A. Before I was fired?  
 16 Q. Before or after.  
 17 A. Well, he talked to either J.H.  
 18 Kim or Mr. Ahn, one, after I was fired. I  
 19 have no idea who he talked to before I was  
 20 fired.  
 21 Q. Do you have any reason to  
 22 think that President Ahn had anything to do  
 23 with your termination or even knew about

Page 335

1 your termination?  
 2 A. I don't know. Like I said,  
 3 everything went back to that military  
 4 record.  
 5 Q. But again what did you know.  
 6 Do you have any reason to think that Mr. Ahn  
 7 knew about your situation?  
 8 A. Like I said, it all went back  
 9 to my military record. Apparently it had to  
 10 have come up somewhere along the line.  
 11 Q. Do you have any personal  
 12 knowledge as to what Mr. Ahn knew about it?  
 13 That's an easy question to answer.  
 14 A. I wasn't in the meeting. I  
 15 don't know what they discussed. All I  
 16 know --  
 17 Q. So the answer is no?  
 18 MR. KILBORN: Hold on. Don't  
 19 interrupt him.  
 20 A. All I know is that it went  
 21 back -- it started with my military career,  
 22 my military commitment, and it stayed there.  
 23 Q. Would it be fair --

Page 336

1 A. I wasn't in the meeting, I  
 2 don't know what they discussed. I just know  
 3 everything come from my military obligation.  
 4 Q. Would it be fair to state that  
 5 you, today, don't have knowledge of whether  
 6 President Ahn were involved or not involved?  
 7 Would that be a fair statement?  
 8 A. I'm going with my last  
 9 comment.  
 10 Q. Well, is that not a fair  
 11 statement or is it a fair statement?  
 12 A. Like I said, I wasn't in the  
 13 meeting. I have no idea what they said.  
 14 All I know is everything stemmed from my  
 15 military career and commitment.  
 16 Q. So you don't know what  
 17 involvement, if any, Mr. Ahn had; is that  
 18 true?  
 19 A. Like I said --  
 20 MR. KILBORN: Object. You  
 21 asked him that four or five times.  
 22 MR. JOHNSON: He doesn't want  
 23 to answer the question though.

## FREEDOM COURT REPORTING

Page 337

1 MR. KILBORN: Hold on. I'm  
2 going to get my objection in or we're going  
3 to be here until the cows come home. You  
4 asked him that four or five times, he's told  
5 you what he knows about Mr. Ahn, he's told  
6 you that Mr. Moon said that he was going to  
7 Mr. Ahn or Mr. Kim. Now get on with your  
8 next question.

9 MR. JOHNSON: What he hasn't  
10 said is what he knows about whether or not  
11 Mr. Ahn was involved.

12 MR. KILBORN: I think he's  
13 told you what he knows. If you know  
14 anything else, tell him about Mr. Ahn.

15 Q. Do you know anything else  
16 about Mr. Ahn's involvement?

17 A. I've answered the question the  
18 only way I know how to answer it, and that's  
19 the answer I'm sticking with.

20 Q. Okay. So there's nothing else  
21 you can tell me about Mr. Ahn's involvement  
22 with your situation?

23 A. Like I said, I've answered to

Page 338

1 the best of my ability, and that's the  
2 answer I'm sticking with.

3 Q. I'm sure that will be  
4 satisfactory.

5 Who is the other gentleman,  
6 Mr. Kim?

7 A. J.H. Kim.

8 Q. What do you know about  
9 Mr. Kim's involvement? Tell me what you  
10 know.

11 A. Same thing.

12 Q. So you don't have anything to  
13 tell me?

14 A. No, sir.

15 Q. Do you have anything to tell  
16 me about Jason Lee's involvement?

17 A. I have no knowledge of who  
18 Jason Lee is.

19 Q. Okay.

20 A. All I know is that he called  
21 my wife and interviewed her for a job.

22 Q. Okay. When did that happen?

23 A. I don't know. I was working

Page 339

1 there.

2 Q. Okay. You mentioned your  
3 military pay stubs earlier. Did you get pay  
4 stubs from Hyundai?

5 A. Yes, sir.

6 Q. And you do you remember what  
7 company name was on the pay stub?

8 A. No, I do not.

9 Q. Okay. Do you remember if it  
10 was Hyundai Motor Manufacturing Alabama?

11 A. I don't know. I don't  
12 remember. I don't remember what was on the  
13 pay stub.

14 I know -- I tell you what I do  
15 know, I know that HMC owns everything,  
16 because our Korean bosses worked for HMC,  
17 and that's what their badges said, and  
18 that's what they said, so HMC owned all of  
19 us, and they told us that.

20 Q. Okay. Did you ever deal with  
21 anybody from HMA?

22 A. I don't remember. I may have,  
23 I may not have.

Page 340

1 Q. But you don't recall if you  
2 did or didn't?

3 A. No, sir. I mean, I know it  
4 went HMC, HMA, and like I say, HMMA, and we  
5 all fell under HMC; HMC owns all of it.  
6 That's what we was told by the Koreans.

7 Q. Do you have any information to  
8 suggest that anybody from HMA was involved  
9 in your termination?

10 A. They own our company.

11 Q. Do you have any other  
12 knowledge?

13 A. They own our company. HMC  
14 owns all of us, we're all one big -- they  
15 were all one big company.

16 Q. Do you have any information to  
17 suggest that HMA was involved, other than in  
18 the ownership, as you state?

19 A. Like I said, it was all one  
20 company.

21 Q. Is there anything else you can  
22 tell me about that?

23 A. It was all one company.

85 (Pages 337 to 340)

## FREEDOM COURT REPORTING

Page 341

1 Q. Okay. I'm going to take that  
2 as a no.

3 A. It was all one company. It's  
4 not a no, it was all one company. You talk  
5 to the Koreans out there, and they will tell  
6 you this is all one company.

7 Q. Who? Who says that? What  
8 Koreans?

9 A. Any Korean. You go out there  
10 and ask any one of them, and they will tell  
11 you that HMC is sole owner and HMC controls  
12 everything.

13 Q. They say HMC controls  
14 everything?

15 A. HMC, HMC, HMA, it goes down  
16 the chain. They run their companies like a  
17 military organization in a chain of command.  
18 And you've got HMC, HMA; HMC would be the  
19 commandant, HMA would be your generals, and  
20 HMMA would be your peons and your officers.

21 Q. Did any of them -- Well, do  
22 you know any HMA employees?

23 A. I may have met some of them.

Page 342

1 We had people coming in from HMA all the  
2 time, but I don't remember. I don't know.  
3 We had people coming in from all. We had  
4 people coming in from Kia that HMC owns. We  
5 had people from everywhere. As far as  
6 personally knowing them, I don't remember.  
7 I may have met them, I may not have met  
8 them.

9 Q. Okay.

10 MR. JOHNSON: Can we mark this  
11 one?

12 MR. SPORT: Sure.  
13 (Whereupon, Defendant's  
14 Exhibit No. 13 was marked  
15 for identification.)

16 Q. Mr. Dees, I'm going to mark as  
17 Exhibit 13, which is a seven-page document  
18 which appears to be your cell phone record.  
19 Can you just take a look at it and confirm  
20 that that's what it is?

21 (Recess taken.)

22 Q. Okay. Mr. Dees, we've got  
23 marked as Exhibit 13 the seven-page phone

Page 343

1 bill. And we've had some discussions with  
2 your attorneys after the Record.

3 MR. JOHNSON: As I understand  
4 it, Mr. Sport, correct me if I'm wrong.  
5 Mr. Sport is going to provide to our court  
6 reporter an additional copy of pages one  
7 through seven of Exhibit 13 and we'll mark  
8 that -- Can we have that marked as 14?

9 COURT REPORTER: Sure.

10 MR. JOHNSON: And just for the  
11 Record, 14 will basically be this exactly  
12 presumably less the fax transmittal  
13 information.

14 MR. SPORT: Hopefully more  
15 legible.

16 MR. JOHNSON: More legible

17 MR. SPORT: That's the goal.

18 (Whereupon, Defendant's  
19 Exhibit No. 14 was marked  
20 for identification.)

21 Q. Okay. Now, to the extent that  
22 I can, Mr. Dees, I want to look through  
23 Exhibit 13, since I haven't had a chance to

Page 344

1 look at it yet, and then possibly ask some  
2 questions.

3 I assume Nikki is one of your  
4 daughters?

5 A. Yeah.

6 Q. And are there only two phones  
7 on this plan?

8 A. Is that the only two plans on  
9 that for phone?

10 MR. KILBORN: You have to  
11 answer the question. This is your  
12 deposition.

13 A. I can't -- I don't pay the  
14 bills, I just work.

15 Q. Okay. And, Mr. Dees, this  
16 question is as much for your attorneys as it  
17 is for you. I'm looking at page five of  
18 this bill, and it looks like some of the  
19 incoming calls don't have a number  
20 associated with it.

21 MR. SPORT: They have not been  
22 redacted, if that's your question.

23 A. I didn't say I had a good



## FREEDOM COURT REPORTING

Page 345

1 provider, I just said I had a provider.

2 MR. JOHNSON: And who -- You  
3 know, I know that it's been redacted from  
4 this, but I don't see any issues asking who  
5 his provider is, is that something y'all are  
6 opposed to him answering, subject to the  
7 protective order?

8 MR. KILBORN: I'll let him  
9 answer who his provider is. But outside of  
10 what you've got there, you hadn't asked for  
11 it and we're going to object to any further  
12 request. But as I further stated, I'll  
13 discuss with you sharing documents as we  
14 talked about earlier.

15 MR. JOHNSON: Okay. I'm not  
16 sure I understand. But I understand you'll  
17 let him tell me who his cell phone provider  
18 is.

19 MR. KILBORN: Well, no, let me  
20 make that clear. We've asked a simple  
21 request to look at the plant and photograph  
22 it, that's what I'm talking about. In other  
23 words, what I'm talking about is, I like

Page 346

1 free discovery, and I'll do that with you,  
2 even though you haven't asked about it.

3 MR. JOHNSON: I think we did  
4 ask for --

5 MR. KILBORN: But you guys  
6 pulling these technicalities, so don't be  
7 asking us for accommodations unless you're  
8 willing to also give us accommodations.

9 MR. JOHNSON: Well, let me say  
10 this, Mr. Kilborn, I believe and if  
11 necessary I can go back and dig through the  
12 file and find it, I think we asked for all  
13 of his cellular telephone records. And we  
14 were told we couldn't have them, I didn't  
15 complain about that. I thought Mr. Sport  
16 and I had reached some agreement on that,  
17 which was fine with me. But my  
18 understanding was that I would at least know  
19 who the provider was. And I don't see why  
20 that's a problem.

21 If I need to go back and  
22 search for what we did in fact, ask for  
23 months and months ago, I can do it.

Page 347

1 MR. KILBORN: I just told you,  
2 I'd let him testify who his provider was.  
3 But I'm just asking for accommodation, and I  
4 want it on the Record, you said you didn't  
5 know what I was talking about and I wanted  
6 to make clear what I was talking about.

7 Q. Mr. Dees, who is your cell  
8 phone provider?

9 A. Unicel.

10 Q. And was Unicel your provider  
11 back in 2007?

12 A. Yes, sir.

13 Q. And how do you spell Unicel?

14 A. U-N-I-C-E-L.

15 Q. Just one L?

16 A. Yes.

17 Q. And, Mr. Dees, are you  
18 familiar with anywhere in this invoice where  
19 it talks about you having text messaging  
20 capacity or how much you were charged for  
21 text messages?

22 A. Like I said, I just work. I  
23 don't pay the bills.

Page 348

1 Q. Okay.

2 A. I don't --

3 Q. So, you never look at the cell  
4 phone bills?

5 A. No.

6 Q. Okay. Have you ever looked at  
7 this one before today?

8 A. I may have. I don't know.

9 Q. You don't recall?

10 A. No.

11 Q. Mr. Dees, did you have a  
12 chance to look at the report that Mr. Hall,  
13 who is here with us today, prepared?

14 A. Yes, sir.

15 Q. Okay. And when did you review  
16 it?

17 A. I reviewed it yesterday with  
18 Mr. Hall, like I said this morning.

19 Q. Okay. And in reviewing it  
20 with Mr. Hall, did y'all do a page-by-page  
21 analysis of it, or what did you do?

22 A. Somewhat. Not really. I'm  
23 not an accountant or a lawyer, I don't know.

## FREEDOM COURT REPORTING

Page 349

1 Q. Okay. And was there anything  
2 in Mr. Hall's report that you didn't agree  
3 with?  
4 MR. KILBORN: Asked and  
5 answered.  
6 MR. JOHNSON: Did I cover  
7 that?  
8 Q. I know you indicated that you  
9 filed a complaint with the ESGR. Did you  
10 file a complaint with any other governmental  
11 agencies?  
12 A. No, sir.  
13 Q. Did you ever go to the EEOC to  
14 try to file a claim there?  
15 A. No.  
16 Q. Did you talk to any other  
17 governmental entities about possibly filing  
18 a claim?  
19 A. Not after I talked to ESGR, I  
20 felt it was a waste of time.  
21 Q. Did you ever call the  
22 Department of Labor?  
23 A. No. I told you, I had to go

Page 350

1 back to work. I didn't have time for --  
2 Q. Okay.  
3 MR. JOHNSON: We'll take a  
4 short break, talk with Mr. Smith, and we may  
5 be done.  
6 A. All right. A while ago, when  
7 you asked me did I call that Monday morning,  
8 I'd forgotten but yes, I called. I kept  
9 getting an answering machine, I got  
10 frustrated, call my wife, asked her to call.  
11 She wouldn't call because she didn't know  
12 what to say. And I don't know whether I  
13 ever left a message that I was trying to  
14 call and reschedule.  
15 Q. All right. What Monday  
16 morning are you talking about?  
17 A. That Monday morning, that peer  
18 review process.  
19 Q. All right. Let me ask you  
20 this. Did you talk to somebody on a break  
21 about your prior answer?  
22 A. No, I --  
23 MR. KILBORN: Hold on. You

Page 351

1 can't ask who he talked to on a break.  
2 MR. JOHNSON: Why not? He's  
3 not supposed to talk to people on a break  
4 about the substance of his testimony.  
5 MR. KILBORN: He can talk to  
6 his lawyers all he wants.  
7 MR. JOHNSON: About the  
8 substance of his testimony?  
9 MR. KILBORN: He can talk to  
10 his lawyer about anything he wants to.  
11 MR. JOHNSON: In Alabama state  
12 court maybe. Do you think that will fly in  
13 Federal Court?  
14 MR. KILBORN: I certainly do.  
15 A. Look, I'm the type person,  
16 when I read something over and over again,  
17 the more I think about it, the more it jars  
18 my memory.  
19 Q. Are you telling me you didn't  
20 talk to anybody else about the substance of  
21 your testimony on that point?  
22 A. You asked a question earlier,  
23 I gave you an answer.

Page 352

1 Q. I know. Now you've got a  
2 different answer.  
3 A. Yes. And I told you that I  
4 did call them that morning. And I kept  
5 getting the answering machine, I told you  
6 what happened, I got frustrated. Called my  
7 wife, I asked her to try and call. And she  
8 wouldn't call because she didn't know what  
9 to say. So I tried to call back. I don't  
10 remember whether I left a message or not,  
11 but I know I was trying to call and  
12 reschedule.  
13 Q. Let me ask you this, did you  
14 talk to your wife about that on the break?  
15 A. You asked -- I told you what  
16 I'd done. I mean, you asked a question  
17 earlier, I answered it, and I had answered  
18 the question wrong.  
19 Q. Okay.  
20 A. What the question was, did I  
21 attempt to call anyone that day to  
22 reschedule, did I attempt to go, did I  
23 attempt to talk to anyone, did I attempt to

## FREEDOM COURT REPORTING

Page 353

1 write anyone, and I had said no. And I  
2 forgot, I did try to call that morning. And  
3 I had -- I kept getting an answering  
4 machine.

5 Q. All right. And you agree  
6 that's not what you testified to earlier  
7 today?

8 A. That's not what I testified to  
9 earlier today, no.

10 Q. All right. Did any particular  
11 thing spur you to change your testimony in  
12 that regard?

13 A. Well --

14 Q. Did you talk to your wife  
15 about what you said earlier?

16 A. I told you, I forgot and I  
17 answered the question wrong.

18 Q. Okay. Did you talk to your  
19 wife about your testimony?

20 A. I told you, that was my  
21 answer. I gave you my answer.

22 Q. I'm asking you a specific  
23 question.

Page 355

1 what spurred you --

2 A. But I gave you the answer,  
3 like I said.

4 Q. Did you talk to your wife  
5 about your testimony here today?

6 A. No, sir. I'm telling you that  
7 that was my answer, period, plain and  
8 simple.

9 Q. And you did not talk to your  
10 wife about it? That's your sworn testimony?

11 A. She's got wrote down what I  
12 said.

13 Q. I'm asking a simple question,  
14 yes or no.

15 A. I gave you an answer to your  
16 question.

17 Q. Did you talk to your wife?

18 A. I gave you an answer to your  
19 question, sir.

20 Q. That didn't sound like an  
21 answer to me and I --

22 A. You asked me earlier today had  
23 I tried to get in contact with anybody, and

Page 354

1 A. And I answered your question.  
2 I said I forgot what I had done.

3 Q. And are you also --

4 A. And I answered the question.  
5 I stated that I had called. I have  
6 forgotten that I had called.

7 Q. I heard you.

8 A. I also stated that I got an  
9 answering machine several times. I also  
10 stated that I got frustrated; that I called  
11 my wife; that I had asked my wife to call;  
12 my wife would not call. Therefore, I don't  
13 know if I left a message or not. I was  
14 upset, and I was working to make money.  
15 That's my answer.

16 Q. And I understand that's your  
17 answer now --

18 A. Yes, sir.

19 Q. -- but that wasn't your answer  
20 earlier --

21 A. No, sir, that was not my  
22 answer earlier.

23 Q. -- I'm trying to figure out

Page 356

1 I answered no.

2 Q. You did answer no.

3 A. You acknowledge I answered no.  
4 That was my answer.

5 Q. Your testimony earlier today  
6 is different than your testimony right now;  
7 correct?

8 A. You don't make mistakes?

9 Q. I make mistakes.

10 A. So do I, I'm human. I don't  
11 know nobody that don't make mistakes.

12 Q. Let me ask some questions  
13 here. And I'd like some answers from you.  
14 I mean, we've got several hours we can be  
15 here or we can go home.

16 A. I can stay awake.

17 Q. That's what you say.

18 A. That's what I know.

19 Q. Now let me ask the question:  
20 Your testimony was different this morning  
21 than it is now. And if it just suddenly  
22 struck you for no apparent reason, that's  
23 fine.

## FREEDOM COURT REPORTING

Page 357

1 A. You've never had that happen?  
 2 Q. I have had it happen. Is that  
 3 what happened to you?  
 4 A. What's so strange about it?  
 5 Q. Is that what happened to you?  
 6 A. What's so strange about it?  
 7 Q. Is that what happened to you?  
 8 A. I told you.  
 9 Q. No.  
 10 A. I answered the question wrong  
 11 earlier today, and that's my answer.  
 12 Q. I know you said you changed  
 13 your testimony, that's obvious from what  
 14 you're saying.  
 15 A. Yes, I did.  
 16 Q. That's obvious from what  
 17 you're saying.  
 18 A. Yes.  
 19 Q. What I'm asking you is, what  
 20 made it change? Were you just suddenly  
 21 struck by a different thought or did you  
 22 talk to somebody that made you change your  
 23 testimony?

Page 358

1 A. I answered the question.  
 2 Q. You did not answer that  
 3 question.  
 4 A. That's my testimony I'm  
 5 sticking with, period.  
 6 Q. I'm going to get an answer.  
 7 A. We've got a couple more hours.  
 8 Q. And we can go now or we can go  
 9 then. But I want an answer to the question.  
 10 A. Okay. Ask your question.  
 11 Q. Did you talk to your wife or  
 12 anybody else and that made you change your  
 13 testimony?  
 14 A. I told you -- Well, she's got  
 15 what I told you, that's what I'm sticking  
 16 with.  
 17 Q. Did you talk to your wife  
 18 about substance of your testimony during  
 19 this deposition?  
 20 A. She's through typing now.  
 21 MR. KILBORN: Let's take a  
 22 break.  
 23 (Recess taken.)

Page 359

1 MR. JOHNSON: Back on the  
 2 Record.  
 3 Q. Mr. Dees, before we took a  
 4 break, I had started asking you some  
 5 questions --  
 6 A. Yes, sir.  
 7 Q. -- because you testified to  
 8 one thing earlier today, and moments ago,  
 9 just before the break, you testified  
 10 something different.  
 11 A. Yes, I did.  
 12 Q. And, again, that's okay with  
 13 me. I just want to know why. And if your  
 14 testimony is that you just remembered, then  
 15 I'd like to know that. But if the truth is  
 16 that you talked to your wife, and she jogged  
 17 your memory, and you now know more, I want  
 18 to know that.  
 19 A. She told me that I -- She told  
 20 me that I had called them. I forgot about  
 21 it. Because she told me I called her saying  
 22 I was frustrated. When she said that, I  
 23 remembered, yeah, I called them several

Page 360

1 times.  
 2 Q. Okay. So now you remember  
 3 calling them?  
 4 A. Yes, sir, I did. And I got  
 5 mad because I kept getting that stinking  
 6 answering machine.  
 7 Q. Okay. See, that wasn't too  
 8 hard, was it?  
 9 A. Well, this is all new to me.  
 10 I'm a soldier. I go fight where I'm told to  
 11 fight and jump on who I'm told to.  
 12 Q. This is where we fight.  
 13 A. That's what y'all get paid  
 14 for. This ain't my environment.  
 15 Q. All right. There wasn't any  
 16 magic to that, I just wanted to know the  
 17 answer to the question. Okay?  
 18 A. Well ...  
 19 Q. Have you ever appeared in  
 20 court before?  
 21 A. Just when I filed bankruptcy.  
 22 Q. Okay. Did you give a  
 23 deposition?

## FREEDOM COURT REPORTING

Page 361

1 A. No, sir.

2 Q. Have you ever given a  
3 deposition like this today?

4 A. Nope.

5 MR. SPORT: You have now.

6 THE WITNESS: Yeah. I don't  
7 like these at all.

8 Q. When you filed bankruptcy, did  
9 you actually have to go to bankruptcy court?

10 A. Yes, I did. It was quite  
11 embarrassing.

12 Q. Now, Mr. Dees, before we get  
13 -- I basically get one shot at asking you  
14 questions.

15 A. All right.

16 Q. And I don't want to leave here  
17 thinking I didn't ask you something or I  
18 didn't get a fair answer from you.

19 Are there any other questions  
20 that I've asked you today that you've  
21 already answered that you feel like you need  
22 to change or add to or take from?

23 A. I'm still uncertain as to what

Page 363

1 had with Mr. Prater or how do you know that?

2 A. That stemmed -- That caused  
3 all of my problems from when we started to  
4 finish.

5 MR. JOHNSON: As I said  
6 earlier, I'm going to take a quick break and  
7 talk with Mr. Smith. And assuming he hasn't  
8 thought of anything else, we'll probably be  
9 done. So give me just a few minutes, and  
10 we'll be right back.

11 (Recess taken.)

12 Q. Mr. Dees, I know that your  
13 attorneys had early on in the case provided  
14 something called Plaintiff's Initial  
15 Disclosures. It included a list of  
16 witnesses and people that know something  
17 about the case.

18 And I want to ask -- I want to  
19 read off some of the names and ask you to  
20 let me know if there is anybody else that  
21 you're familiar with that might have  
22 information that's not included here.

23 MR. SPORT: Matt, before he

Page 362

1 you was wanting when you were asking about  
2 my knowledge of a meeting and whatever. You  
3 kept asking the question, and I still don't  
4 -- I'm still unsure of what you was hinting  
5 at.

6 Q. Okay. What --

7 A. Like I said, all I know is  
8 everything stemmed from my military  
9 service --

10 Q. And that's all you know?

11 A. -- and my military commitment.  
12 I don't care what was said in the meeting, I  
13 wasn't in the meeting. All I know is  
14 everything when my military commitment  
15 became a problem, it escalated to a point  
16 and it got me terminated because of my  
17 military commitment.

18 I didn't even know they had  
19 had a meeting. But I know -- do know that  
20 my military career was the reason for my  
21 being terminated.

22 Q. All right. And you know that  
23 just because that's the only problems you

Page 364

1 starts on that, do you also have the  
2 supplement?

3 MR. JOHNSON: Yeah. I think  
4 so.

5 MR. SPORT: We added some  
6 names.

7 MR. JOHNSON: Okay. Well, let  
8 me make sure. Did you add names on the  
9 supplement? I know you provided those tax  
10 documents.

11 MR. SPORT: Yeah. I think we  
12 added a couple of names, four, five, six,  
13 seven, something like that.

14 MR. JOHNSON: You don't happen  
15 to have them, do you?

16 MR. SPORT: I don't. But go  
17 ahead and ask him, and the documents will  
18 say what they say.

19 MR. JOHNSON: Yeah. Sure.

20 Q. All right. Well, anyways,  
21 Mr. Dees, I realize that there might be  
22 additional names on a supplemental  
23 disclosure, and if they're there, I'll look



## FREEDOM COURT REPORTING

Page 365

1 at it and see what they are.  
 2 But for purposes of the  
 3 deposition, let me just refer to the Initial  
 4 Disclosures that were provided. And they've  
 5 indicated a number of names that have come  
 6 up plenty of times: Your name, your wife's  
 7 name, Greg Prater's name, Kevin Hughes, John  
 8 Applegate. They list here Keisha Morris, is  
 9 that the Keisha you're referring to?  
 10 A. Yes, sir.  
 11 Q. Okay. Mr. Moon is included,  
 12 Wendy Warner is included. It's identified  
 13 Drake Barefoot, he was a coworker of yours;  
 14 is that right?  
 15 A. That's right.  
 16 Q. Okay. And we've talked about  
 17 him some. Mark Bornberg, was he also your  
 18 coworker?  
 19 A. Yes.  
 20 Q. And we've talked about him  
 21 some?  
 22 A. Yes.  
 23 Q. Okay. And Chris -- W-E-I-H-E?

Page 367

1 A. Yeah.  
 2 Q. Okay.  
 3 A. No. He came to work -- I  
 4 don't know when he started with the company.  
 5 Plus he started out on that weekend shift  
 6 and then he moved to our shift.  
 7 Q. Okay. What about Chris Weihe,  
 8 was he --  
 9 A. Chris was one of the very  
 10 first ones hired on.  
 11 Q. Was he at that meeting?  
 12 A. Yes.  
 13 Q. And was Mark Bornberg at that  
 14 meeting?  
 15 A. I don't know if Bornberg was  
 16 or not.  
 17 Q. Okay. And was Drake Barefoot  
 18 at the meeting?  
 19 A. Yes.  
 20 Q. Okay. And also included here  
 21 is a guy we haven't talked about, John  
 22 Wingo?  
 23 A. Yes. Wingo was there too.

Page 366

1 A. Weihe.  
 2 Q. And we talked about him some.  
 3 I think we also talked about Shane Archer  
 4 who worked with you as well?  
 5 A. Uh-huh.  
 6 Q. Is that a yes?  
 7 A. Yes.  
 8 Q. And I think you mentioned Mark  
 9 Hanks' name, but I didn't get a good feel  
 10 for what you understood Mark Hanks to know.  
 11 Tell me what -- I know we talked about the  
 12 big meeting where you and a number of your  
 13 coworkers were there, you talked with  
 14 Prater, and that was sort of a big deal  
 15 meeting that we talked about. Was Mark  
 16 Hanks there?  
 17 A. Yes.  
 18 Q. And was Shane Archer there?  
 19 A. Yes. Well, wait a minute.  
 20 The first meeting? I don't know if Shane  
 21 was there or not.  
 22 Q. Did he start later than some  
 23 of the other guys?

Page 368

1 Q. Who is John Wingo?  
 2 A. He worked at International  
 3 Paper with me, came down to Hyundai with me.  
 4 And I'd known him several years, and he left  
 5 and went to Honda.  
 6 Q. Okay. When did he do that?  
 7 A. I don't know.  
 8 Q. I mean, did he leave before  
 9 your termination, or since then?  
 10 A. Before I was fired, yes.  
 11 Q. Okay. And what did John Wingo  
 12 know?  
 13 A. He was there for most of the  
 14 harassment, most of the time I was being  
 15 pushed and harassed.  
 16 Q. All right. Did you ever have  
 17 any conversations with John Wingo about it?  
 18 A. Yes, sir. Me and John were  
 19 tight. He was a former Marine. Me and him  
 20 had a good military bond.  
 21 Q. You use the word pushed and  
 22 harassed, were you actually physically  
 23 pushed or were you just talking mentally

## FREEDOM COURT REPORTING

Page 369

1 pushed?

2 A. I was actually physically  
3 grabbed, yes.

4 Q. When?

5 A. By Prater.

6 Q. When?

7 A. Before a shift one time. He  
8 come in and somebody stated, I got a  
9 headache, and he said: Yeah, so do I, and  
10 pointed at me. And, I don't know, several  
11 minutes later came up and tried to bear hug  
12 me from behind. And I don't even remember  
13 what the comment was that he made.

14 Q. You don't remember?

15 A. No, sir.

16 Q. I mean, was he just goofing  
17 around, or what was the point of the bear  
18 hug?

19 A. He -- It was -- Dadgumit. No,  
20 I mean, it wasn't goofing. I didn't --  
21 There was nothing goofing around. I didn't  
22 goof around with him, with management. I  
23 don't -- I don't remember.

Page 370

1 Q. I mean, did you think he was  
2 trying to physically attack you?

3 A. No. Because then that would  
4 -- I mean, I don't know what he was trying  
5 to do. He come up and grabbed me from  
6 behind. And I don't remember what the  
7 comment was that was made, but it was there  
8 in the shift office. Bill Seivers' shift  
9 saw it, my shift saw it. I busted loose,  
10 grabbed my tools, and walked out.

11 Q. Okay.

12 A. I don't remember what it was  
13 for. I don't remember what he said. I was  
14 -- I don't know.

15 Q. Did y'all have any other  
16 discussion about it?

17 A. No. I mean, some of the other  
18 fellows voiced their opinions.

19 Q. What did they say?

20 A. Just like every other thing --  
21 I don't know, I wasn't in there. I left.  
22 They voiced their opinion, like I said, it  
23 was like everything else, it was washed

Page 371

1 under the bridge because he was management.

2 Q. Okay.

3 A. He cussed two of our  
4 specialists out, they went to team  
5 relations, went to HR, same thing, washed  
6 under the bridge because he was management.

7 Q. All right. With respect to  
8 these guys that are your coworkers, Drake  
9 Barefoot, Mark Bornberg, Chris Weihe, Shane  
10 Archer, Mark Hanks, or John Wingo, can you  
11 think of any other discussions you had with  
12 them about Prater or your problems because  
13 of your military service that we haven't  
14 talked about already?

15 A. There probably is, but right  
16 offhand, no, I don't remember. Plus there  
17 was Sergeant First Class Richberg and  
18 Sergeant Martin in my unit.

19 Q. Wait. Say that again.

20 A. You have Sergeant First Class  
21 Richberg and Sergeant Martin you need to add  
22 to your list.

23 Q. Who is Richberg? I think you

Page 372

1 mentioned his name earlier.

2 A. He was my superior. He  
3 retired.

4 MR. SPORT: I'll represent to  
5 you, I think those are two of the names we  
6 added in our supplement.

7 MR. JOHNSON: I think you're  
8 right. Now I remember it.

9 Q. Martin is somebody we talked  
10 about earlier?

11 A. Martin, he took Sergeant First  
12 Class Richberg's place in our unit. I've  
13 known him for about ten years.

14 Q. Barring anybody that may be in  
15 a supplemental disclosure that your  
16 attorneys have provided to us, and I'm sorry  
17 I can't hand them to you to look at, can you  
18 think of any other people that would have  
19 knowledge about your case or the allegations  
20 that you've made?

21 A. You need to talk to some of  
22 the production people there, if you haven't  
23 already. I mean, they -- I don't know.

## FREEDOM COURT REPORTING

Page 373

1 Q. Is there anybody that knows  
2 anything about it that we should talk to?  
3 A. Right offhand --  
4 MR. SPORT: I don't think we  
5 had listed one of the names he had mentioned  
6 today. The guy's name ends in a Y, works in  
7 production.  
8 MR. JOHNSON: Stapley.  
9 MR. SPORT: Stapley. I don't  
10 think we've listed him, but we probably need  
11 to supplement him.  
12 Q. Mr. Dees, sort of my last  
13 question here, I know -- your attorneys have  
14 provided me a lot of documents, and I'm  
15 assuming they all came from you. Are you  
16 aware of any documents related to this case,  
17 issues you had with Hyundai, issues you've  
18 had with Greg Prater individually, or  
19 anybody else that might relate to this case  
20 that you haven't provided to your lawyers?  
21 Is there any other  
22 correspondence, any other e-mails, notes, or  
23 anything?

Page 374

1 A. I don't -- Not offhand. But  
2 like the e-mail from -- that I sent to  
3 Kimball, I'd forgotten about it until today.  
4 I mean, if I remember it, they'll know about  
5 it. But as of right now, no.  
6 Q. Okay. So as of right now, you  
7 don't know of anything else that hasn't been  
8 provided to your lawyers?  
9 A. No.  
10 MR. JOHNSON: That's it. I  
11 appreciate your time. I know it was a long  
12 time.  
13 MR. KILBORN: I've got a few  
14 questions.  
15 EXAMINATION  
16 BY MR. KILBORN:  
17 Q. Mr. Dees, the security  
18 building where you were taken, does that  
19 building have recording devices?  
20 A. Yes, sir.  
21 Q. What type?  
22 A. I know it has video recording  
23 devices, I don't know if it has audio or

Page 375

1 not.  
2 Q. Were there video recording  
3 devices when you come into the security  
4 building when you were fired?  
5 A. Yes, sir. They have a room in  
6 there, when you walk in the door, there's a  
7 door straight across from the entry door,  
8 and that room is all their recording  
9 devices, I believe. That's where I saw  
10 them.  
11 Q. You saw them there?  
12 A. Yes, sir.  
13 Q. Okay. And what about the  
14 plant, does it have any recording devices?  
15 A. Yes, sir.  
16 Q. Where are they?  
17 A. Specifics, I don't know. I  
18 know we had a coax running up in our  
19 building in the production building, because  
20 Prater would brag that he would go back  
21 there and disconnect the coax to their  
22 cameras in our section and then they would  
23 call him and ask him what was wrong with it.

Page 376

1 And he'd have to go hook it back up.  
2 But as far as where they were  
3 actually located, I don't know, I just know  
4 they had them. Because like I said, he took  
5 several of us back there and showed us the  
6 coax bragging how he would turn it --  
7 disconnect it, and then they would call and  
8 make -- the cameras would go blank when you  
9 disconnect your feed, the cameras go black,  
10 then they would call him and make him  
11 reconnect it. So they did have cameras in  
12 our section.  
13 Q. And you mentioned another  
14 recording, you said it was -- was it a Bill  
15 Shivers?  
16 A. Seivers.  
17 Q. Seivers. Said he had  
18 recordings by Applegate?  
19 A. Said Prater stated to him that  
20 he had voice recordings of Applegate telling  
21 him to terminate me, that he needed to get  
22 rid of me.  
23 Q. Okay. Now, prior to the 26th

## FREEDOM COURT REPORTING

Page 377

1 of February when you were taken into the  
2 firing room in the security house or  
3 building, had you had any warning at all or  
4 had you been told that you were going to be  
5 terminated or that you were being considered  
6 for termination?

7 A. No, sir. I had no idea  
8 whatsoever. It floored me when I walked in  
9 the room and they told me I was being fired.  
10 There was nothing leading up to it, no  
11 inclination, nothing.

12 Q. For instance, Defendant's  
13 Exhibit 6 is the e-mail counsel asked you  
14 about February 21, 2007, at 5:30 a.m. from  
15 Prater to Applegate. It says: Based on  
16 this conversation, I feel that even if he  
17 was not sleeping, that he doesn't care  
18 enough about his job to prevent anyone from  
19 thinking he was sleeping. John, my  
20 recommendation, as hard as it is for me to  
21 say, termination. Greg.

22 Had you been told anything  
23 like that at that time?

Page 378

1 A. No, sir. And Prater when he  
2 got anybody fired, he always bragged about  
3 it later. He had been responsible for two  
4 people being fired prior to me, and all we  
5 heard was him bragging about how he had got  
6 them fired.

7 Q. Were you told when you were  
8 terminated that you -- You were told you  
9 were being terminated for sleeping?

10 A. That's what that -- the lady  
11 said.

12 Q. All right. Were you told that  
13 you were being terminated, because, quote,  
14 you don't care about your job to prevent  
15 anyone from thinking you were sleeping?

16 A. No, sir.

17 Q. And counsel also asked you  
18 about embarrassment. And you do attend a  
19 church?

20 A. Yes, sir.

21 Q. And do the people in the  
22 church know that you got terminated?

23 A. Yes, sir.

Page 379

1 Q. Do they know why Hyundai said  
2 you were terminated?

3 A. Yes, sir.

4 Q. All right. Does that create  
5 any embarrassment for you?

6 A. Yes, sir. Because I didn't  
7 talk to no one for a long time about it, and  
8 everyone just assumed that I had actually  
9 fell asleep on the job and all my military  
10 friends and all my close friends, they  
11 couldn't believe it. They kept asking me  
12 did -- what happened. And I just -- I  
13 didn't talk to nobody about it for a long  
14 time, because like I said, that's -- I've  
15 never.

16 Q. And up until Hyundai decided,  
17 in their infinite wisdom, that you were a  
18 man who slept on the job, you had a  
19 blemish-free record both in civilian and  
20 military life?

21 A. Yes, sir.

22 Q. And now whenever you apply for  
23 employment or apply for anything, bank

Page 380

1 credit, where there's a question about have  
2 you ever been terminated or received any  
3 type of job action, you've got to put that  
4 down?

5 A. Yes, sir. When I went to work  
6 for International Paper in Thorsby, I made  
7 -- I made leadman in three years, and that  
8 was unheard of.

9 Q. And was that -- Does the fact  
10 that that blemish is now on your reputation,  
11 does that cause you any distress?

12 A. Yes, sir. It still causes  
13 problems. Even between me and my wife. I  
14 mean, that -- Like I said, I've -- I take  
15 pride in my work, just like I do my uniform.  
16 And if I go to do something, I put a hundred  
17 and fifty percent into whatever I'm doing.  
18 Even the production people there and  
19 maintenance people, all, when they said --  
20 found out that I had been accused of  
21 sleeping, they said: There's no way, he's  
22 too hyper. Because I'm an outgoing person,  
23 even at night. I've always been that way.

## FREEDOM COURT REPORTING

Page 381

1 They said there's no way he was sleeping, it  
2 ain't no way. And you can ask several of  
3 the production people there in stamping,  
4 production that I worked with, any of them,  
5 they all know me.

6 MR. KILBORN: That's all I  
7 have.

8 MR. JOHNSON: Just a couple  
9 follow-up questions.

10 EXAMINATION CONTINUED

11 BY MR. JOHNSON:

12 Q. You mentioned some sort of  
13 video in the security building?

14 A. Yes, sir.

15 Q. Do you know if it's actually  
16 recording or just a video camera that's  
17 monitored?

18 A. We was told it was a video  
19 recording.

20 Q. Who told you that?

21 A. Prater and -- I have to think  
22 about that one. Because it was one of the  
23 other maintenance supervisors from one of

Page 383

1 the ceiling, running conduit, waves through  
2 conduit, through cable waves. There was no  
3 way to follow that, no, we didn't have a  
4 clue.

5 Q. Did you ever see them attached  
6 to a camera?

7 A. No. I said there's no way.  
8 But they had to -- How did they -- They said  
9 they recorded the old girl doing the  
10 striptease there in the plant by the press.

11 Q. Did you ever see any cameras  
12 up in that third level near the SOP?

13 A. I never looked for them up  
14 there.

15 Q. So you never saw any?

16 A. Like I said, I never looked  
17 for any. They may have been up there, may  
18 not have. I don't know, I never looked for  
19 them.

20 Q. Okay. And what church do you  
21 go to?

22 A. Hillcrest Baptist Church in  
23 Maplesville, Alabama.

Page 382

1 the other sections. I don't remember.

2 Q. When were you told that?

3 A. About from get-go. Well, they  
4 briefed it in -- I believe they briefed it  
5 in their hiring process. And -- Well, I  
6 know it was recording, because they busted  
7 one of the temporary workers out back and on  
8 the floor there by the presses one night for  
9 -- she was doing a striptease apparently  
10 there by the presses one night, they said  
11 the next thing they knew, security come  
12 running through the building; said they used  
13 the recording when they fired her.

14 Q. Okay. Are you aware of any --  
15 Well, you mentioned some coax cables?

16 A. For the cameras.

17 Q. Okay. Other than something  
18 that Greg Prater might have told you about  
19 those coax cables, do you know what they  
20 were, where they went to, or where they came  
21 from?

22 A. We tried to follow them out,  
23 but it was seventy-five, seventy feet up in

Page 384

1 Q. How big a church is that?

2 A. I don't know. Your average  
3 sized church. Probably got a hundred people  
4 there at any service.

5 Q. How many members total?

6 A. Oh, God, I don't know.

7 Q. You don't know?

8 A. I don't know.

9 Q. Do you know anybody else from  
10 HMMA that works there -- or that goes to  
11 church there?

12 A. Yes, sir.

13 Q. Who?

14 A. Keith Smith.

15 Q. Who is he?

16 A. He works -- He's a production  
17 team leader over in general assembly.

18 Q. Okay. Now, you said people at  
19 church knew that you had been terminated?

20 A. Yes, sir.

21 Q. Did you tell anybody at the  
22 church?

23 A. Nope.



## FREEDOM COURT REPORTING

Page 385

1 Q. Do you have any idea how they  
2 knew?  
3 A. Yes, sir.  
4 Q. How?  
5 A. Keith's son worked in the  
6 building I worked in. Derick.  
7 Q. You think Derick told somebody  
8 at the church?  
9 A. They said Derick told his  
10 father, and it just went from there. I live  
11 in a small community, if you look wrong,  
12 everybody knows it within five minutes.  
13 Q. Okay. Did you ever talk to  
14 Derick Smith or Keith Smith about it?  
15 A. No, sir.  
16 Q. You never talked to either of  
17 them?  
18 A. No, sir.  
19 Q. Okay. Do you know anybody who  
20 has?  
21 A. No.  
22 Q. Do you know if your wife did?  
23 A. I don't know.

Page 386

1 Q. Other than Derick and Keith  
2 Smith, do you know anybody else at your  
3 church who knows about it?  
4 A. I think Keith is the only one,  
5 I think, from church that goes there. But,  
6 like I said, there's several people there in  
7 the community that work down there.  
8 Q. Did anybody from your church  
9 say anything to you about what the situation  
10 at HMMA?  
11 A. There was a couple that asked,  
12 but I don't remember.  
13 Q. Do you know who asked?  
14 A. They was asking that Sunday,  
15 and I was trying to avoid the issue because  
16 I was embarrassed.  
17 Q. Did you ever have any  
18 conversations with anybody at church that  
19 you can recall, that knew about you being  
20 terminated at Hyundai?  
21 A. Just one person. Mr. Bob  
22 Eddy. He's the one -- When I got fired, I  
23 didn't know what to do. I had never had

Page 387

1 anything like this happen, and I was just --  
2 I went and talked to Mr. Bob and --  
3 Q. Who is Mr. Bob?  
4 A. -- explained to him everything  
5 that happened. And he's the one who put me  
6 in contact with Mr. Kilborn.  
7 Q. Okay. And is Bob Eddy just a  
8 member of the church?  
9 A. He's a member of the church  
10 and a friend.  
11 Q. Okay. But he's not like your  
12 pastor or something like that?  
13 A. No, sir.  
14 Q. Okay. And what's the pastor's  
15 name at the church?  
16 A. We don't have one. He went  
17 north to be with his family who is ill, and  
18 he resigned a few weeks ago. His father is  
19 in bad health.  
20 Q. What was his name?  
21 A. Jason Vincent.  
22 Q. Did you ever talk to Jason  
23 Vincent about this situation?

Page 388

1 A. No, sir.  
2 Q. Did he ever call you to check  
3 on you about it or do anything to suggest he  
4 knew about it?  
5 A. Like I said, I was embarrassed  
6 about it, I didn't let on -- I didn't want  
7 to talk to -- I didn't want to talk to  
8 nobody about it. Like I say, ain't never  
9 had anything like this happen. And when you  
10 got -- When I walked in that first Sunday  
11 and Keith looked at me and just hung his  
12 head, and other people, I started to turn  
13 around and walk out.  
14 MR. JOHNSON: Okay. That's  
15 all I've got. I appreciate it.  
16 (The deposition was concluded at 5:33 p.m.,  
17 November 20, 2007.)  
18  
19  
20  
21  
22  
23

## FREEDOM COURT REPORTING

Page 389

## 1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA,

3 MONTGOMERY COUNTY,

4 I, Angela Smith McGalliard,

5 Registered Professional Reporter and

6 Certified Realtime Reporter, Commissioner

7 for the State of Alabama at Large, do hereby

8 certify that the above and foregoing

9 proceeding was taken down by me by

10 stenographic means, and that the content

11 herein was produced in transcript form by

12 computer aid under my supervision, and that

13 the foregoing represents, to the best of my

14 ability, a true and correct transcript of

15 the proceedings occurring on said date and

16 at said time.

17 I further certify that I am neither

18 of kin nor of counsel to the parties to the

19 action; nor in any manner interested in the

20 result of said case.

21

22 Angela Smith  
23 McGalliard, RPR, CRR,  
CCR Lic. No. 98.

KATHERINE DEES

Page 1

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

CASE NO.: 2:07-cv-00306-MHT-CSC

JERRY LEON DEES, JR.,

Plaintiff,

V.

HYUNDAI MOTOR MANUFACTURING ALABAMA, LLC and

HYUNDAI MOTOR AMERICA, INC.,

Defendants.

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED by and between the parties, through their respective counsel, that the deposition of KATHERINE DEES may be taken before STACEY L. JOHNSON, Commissioner, at the Hampton Inn, 60 Wasden Road, Hope Hull, Alabama, on the 8th day of January, 2008.



KATHERINE DEES

Page 59

1 Said he come got me, and I didn't know -- I have  
2 no idea what was that about until he went around  
3 corner or something and he saw somebody -- I  
4 don't remember the name -- and he said, and I  
5 knew then something was up.

6 Q Okay. What else?

7 A And then that was it.

8 Q Did you and your husband talk more  
9 about any past history he may have had with Jim  
10 Brookshire?

11 A No, I did not.

12 Q Did he ever say he had had problems  
13 with Brookshire, or what did you learn about  
14 Brookshire?

15 A No, we didn't discuss anything about  
16 who Brookshire was or whatever. And he did say,  
17 I was just talking to Mr. Mun and I bet he don't  
18 even know what's going on. He said, I'm going  
19 to call him and let him know.

20 Q And did y'all call Mr. Mun at that  
21 time?

22 A He did.

23 Q Okay. You were listening to his

KATHERINE DEES

Page 60

1 conversation with Mr. Mun?

2 A He was talking very slowly and what  
3 happened.

4 Q Was he speaking in English or Korean?

5 A Well, it's a little bit of both. He  
6 was speaking both. And he finally -- he gives  
7 me the phone to tell Mr. Mun, you know, what  
8 happened, so I got the phone. And, you know, I  
9 never talked to him before. That was the first  
10 time I was talking to him. And I told him the  
11 whole thing, what he told me.

12 Q What did you overhear your husband say  
13 to Mr. Mun?

14 A What did I what?

15 Q When your husband was on the phone with  
16 Mr. Mun, what did your husband say?

17 A He said that they fire me because I was  
18 sleeping in the job. And I don't remember exact  
19 words he said. Like I said, he was speaking  
20 Korean and English. And, you know, about the  
21 time I was so upset.

22 Q Do you recall if your husband said, you  
23 know, that can't be true because somebody was



KATHERINE DEES

Page 70

1 he told me he was going down to pit a lot and  
2 have to ask him to bring the orders a lot and...

3 Q Did you tell Mr. Mun about any other  
4 forms of harassment?

5 A No, sir, because that's only thing that  
6 he told me at that point.

7 Q Okay. Did you say anything else to  
8 Mr. Mun during your conversation?

9 A I asked him if he was familiar about  
10 why he got fired or even if he knows he got  
11 fired. He said he had no idea and he was going  
12 to check into it next day. He said, I cannot do  
13 anything right now, but next day I'm going to  
14 check into it and I'll give you a call back and  
15 see what's going on.

16 Q And did you hear from him the next day?

17 A It was -- I believe it was the second  
18 day.

19 Q Okay.

20 A I don't believe it was very next day  
21 because I thought he was going to call me very  
22 next day and I'm thinking, well, I guess he  
23 didn't have a chance to look or whatever. I

KATHERINE DEES

Page 71

1 don't know. And then he called. He surprised  
2 me. He called day after next --

3 Q Was your husband home then?

4 A -- and told me. Yes, he was that  
5 night.

6 Q So Mr. Mun called at night?

7 A Next night. Uh-huh.

8 Q When you say next night, was it 24  
9 hours after your first conversation or 48 hours?

10 A He got fired 26th, 27th. He called me  
11 28th.

12 Q At night on the 28th?

13 A Right.

14 Q And am I correct that your husband was  
15 terminated on the night of the 26th?

16 A Right.

17 Q Okay. On the 27th and 28th, did you  
18 talk with your husband any more about the  
19 situation?

20 A Not that I recall. I mean, it was  
21 done. And I did ask him why didn't they -- I  
22 thought handbook said it was going through the  
23 procedures, whatever the firing procedures. I

KATHERINE DEES

Page 72

1 wonder why they didn't do that. And he called  
2 company back about -- what's the word --  
3 purview.

4 Q Whatever you remember.

5 A That, you know, they get chance to  
6 defend themselves.

7 Q He called the next day?

8 A Yeah, I believe so.

9 Q The day after he was terminated?

10 A I believe so.

11 Q Who did he call?

12 A I don't remember who he called, but he  
13 called the number and he said he getting  
14 answering machine.

15 Q Do you know was there -- was it some  
16 person's answering machine?

17 A I don't know. He just told me he get  
18 answering machine.

19 Q And those calls were made before the  
20 second call with Mr. Mun?

21 A I believe it was the next day, 27th --

22 Q Okay.

23 A -- I believe. Because I don't recall

KATHERINE DEES

Page 73

1 exact date because I asked him to call back and  
2 get things straight.

3 Q Did anything else happen before you  
4 received the second call from Mr. Mun?

5 A How do you mean anything happen?

6 Q Well, did you talk with your husband  
7 more about it? Did you call anybody? Did your  
8 husband call anybody?

9 A Not that I recall.

10 Q Okay.

11 A He was too busy trying to find a job.

12 Q Was he able to find a job at that  
13 point?

14 A Yeah. He went for work -- he went to  
15 work the next day.

16 Q Which day? The 27th or the 28th?

17 A Right. The 27th.

18 Q Now, the second telephone call with  
19 Mr. Mun, tell me about that.

20 A What you want me to tell you?

21 Q What was said. What do you recall?

22 A He called me, and I answered the  
23 phone. Well, actually, he answered the phone.

KATHERINE DEES

Page 74

1 And then --

2 Q Your husband answered the phone?

3 A I think so. And I talked to him, and  
4 he said that -- and I was very disappointed he  
5 couldn't remember no more than what he  
6 remembered today. I was very disappointed  
7 because me and him talked for a while. He said  
8 he went to look where they said that he was  
9 sleeping, and he went up there. And he told me  
10 that he couldn't sleep up there.

11 Q Mr. Mun said that?

12 A Yes, he did. Said he could not fall  
13 asleep up there. And told me that Prater is  
14 lying. I don't know if that's his thoughts,  
15 whatever. I'm just telling you what he told me.

16 Q Did he say what Prater was lying about?

17 A No. That's all he said.

18 Q What was your understanding with  
19 respect to what Prater had to do with the  
20 sleeping incident?

21 A I don't know. What do you mean?  
22 Between me and him?

23 Q What did he bring Prater's name up for,

KATHERINE DEES

Page 75

1 or did you bring Prater's name up?

2 A I did not; he did.

3 Q Do you know why he brought Prater's  
4 name up?

5 A No, sir. You've got to understand.  
6 Again, it's Korean culture. You know, when --  
7 usually a man ask you a question or something,  
8 you know, it's just -- it's different. It's not  
9 like me and you talking. We watch what we say.  
10 I generally try to listen.

11 But anyway, that's what he told me.  
12 And he said he asked somebody, and he told me  
13 that boojang -- whoever the supervisor was -- he  
14 said boojang told me to stay out of it.

15 Q And what's the guy's name?

16 A I don't know. He just said boojang.  
17 Boojang means supervisor.

18 Q Can you spell that?

19 A Boojang. That's just name of the  
20 position, call him supervisor kind of. Head  
21 honcho maybe. That's what he told me. Said  
22 boojang told me to stay out of it.

23 Q Did he say anything else about that?



KATHERINE DEES

Page 77

1 or not he thought that your husband was sleeping  
2 or not sleeping when he was accused of doing so?

3 A No, he did not.

4 Q And am I right that other than simply  
5 saying that Prater was lying, he didn't tell you  
6 specifically what he was lying about?

7 A No. He did tell me -- he did tell me  
8 that Prater is bad man.

9 Q Did he use the words bad man in Korean?

10 A Korean, yes, he did.

11 Q Okay.

12 A As a matter of fact, he said he is a  
13 napan namja. Two words. That means he's a bad  
14 man.

15 Q Spell that if you can, or something  
16 similar to it anyway.

17 A Can we just say the bad man is the same  
18 thing?

19 Q Well, you said a word.

20 A Right.

21 THE REPORTER: Can you write it?

22 Because I won't know how to...

23 THE WITNESS: (Witness complied.)

WENDY SUSAN WARNER

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CIVIL ACTION NO.: 2:07-00306-MHT-CSC

JERRY LEON DEES, JR.,

Plaintiff,

vs

HYUNDAI MOTOR MANUFACTURING  
ALABAMA, L.L.C. and HYUNDAI MOTOR  
AMERICA, INC.,  
Defendants.

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED by and between the parties, through their respective counsel, that the deposition of WENDY SUSAN WARNER may be taken before DONNA E. HENDERSON, CSR, Commissioner, at the law offices of Copeland, Franco, Screws & Gill, P.A., 444 South Perry Street, Montgomery, Alabama, on the 15th day of November, 2007.



WENDY SUSAN WARNER

Page 27

1           A     An expatriate is someone that's been  
2     dispatched from the corporate headquarters to serve a  
3     period of time here to help us set up the facility.

4           Q     How did he get the name expatriate?

5                     BY MR. SCOFIELD: Object to the form.

6                     THE WITNESS: It's a financial term.

7           Q     (BY MR. KILBORN:) Are there any other  
8     expatriates?

9           A     There are.

10          Q     Who are they?

11          A     We have seventy-eight of them.

12          Q     All right. And what -- Could you give me  
13     their names? And I don't want to go through all  
14     seventy-eight, just the --

15          A     Well, you could start with a lot of Lees.  
16     Lees, Parks, Jangs and Ahns and Ryus and you'd probably  
17     have them all because their names are -- there's very  
18     few names, so -- but we have vice president for human  
19     resources, a president, a CFO, a COO, a -- several  
20     directors, senior managers, coordinators, technical  
21     coordinators.

22          Q     And they all work for Hyundai Motor Company?

23          A     That's correct.

WENDY SUSAN WARNER

Page 30

1 A That's true.

2 Q And they're all called expats?

3 A Yes. Expatriates, yes.

4 Q And they're all officers in one way or the  
5 other of HMMA?

6 BY MR. SCOFIELD: Object to the form.

7 THE WITNESS: Yes.

8 Q (BY MR. KILBORN:) But they all work for --

9 A HMC.

10 Q -- Hyundai Motor Company?

11 A That's correct.

12 Q Who pays them?

13 A HMC.

14 Q Hyundai Motor Company?

15 A Yes.

16 Q In Seoul, South Korea?

17 A Yes, sir.

18 Q So you've got seventy-eight officers of HMMA  
19 who are paid by Hyundai Motor Company headquartered in  
20 Seoul, South Korea?

21 BY MR. SCOFIELD: Object to the form.

22 THE WITNESS: Right.

23 Q (BY MR. KILBORN:) Are they employees other

WENDY SUSAN WARNER

Page 55

1 THE WITNESS: No.

2 Q (BY MR. KILBORN:) Do you know anything about  
3 the financial relationships between HMC, HMMA and HMA?

4 BY MR. SCOFIELD: Object to the form.

5 THE WITNESS: No.

6 Q (BY MR. KILBORN:) Do you know anything about  
7 the business purposes of those three?

8 A Yes.

9 Q And the business purposes of HMC would be  
10 what?

11 A They are the headquarters and they are the  
12 parent company.

13 Q The parent company of who?

14 A HMMA and HMA.

15 Q How about Glovis?

16 A I do know that there is some sort of  
17 relationship with them, that there's a certain  
18 percentage that they own, but I don't know the actual  
19 percentage.

20 Q Well, the -- You refer to HMC as -- I think  
21 you used the word parent?

22 A Uh-huh.

23 Q What do you mean by parent?

ROBERT ALLEN CLEVINGER

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CASE NO.: 2:07-cv-00306-MHT-CSC

JERRY LEON DEES, JR.,

Plaintiff,

V.

HYUNDAI MOTOR MANUFACTURING ALABAMA, LLC and

HYUNDAI MOTOR AMERICA, INC.,

Defendants.

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED by and between the parties, through their respective counsel, that the deposition of ROBERT ALLEN CLEVINGER may be taken before STACEY L. JOHNSON, Commissioner, at the Hampton Inn, Tampa Room, 60 Wasden Road, Hope Hull, Alabama, on the 13th day of December, 2007.





ROBERT ALLEN CLEVENGER

Page 30

1 A No, sir.

2 Q Did Mr. Dees attend?

3 A No, sir.

4 Q Did Mr. Brookshire attend?

5 A No, sir.

6 Q Did Mr. Hughes attend?

7 A Mr. Hughes?

8 Q Yeah. Do you know Mr. Hughes?

9 A May I have a full name?

10 Q Kevin Hughes.

11 A No, sir.

12 Q Did you attend?

13 A Yes, sir.

14 Q And are all the corrective action  
15 meetings held in the Law Library?

16 MR. SCOFIELD: Object to the form.

17 A No, sir.

18 Q What other locations?

19 A It depends on the situation.

20 Q You mean just availability or some  
21 other reason?

22 A Mostly availability.

23 Q Did the meeting have someone who ran

ROBERT ALLEN CLEVENGER

Page 31

1 the meeting, like chaired the meeting?

2 A No, sir.

3 Q So no one led the meeting?

4 A I handed out the summaries, but I don't  
5 lead the meeting.

6 Q Okay. And when you say summaries, I  
7 want to try to identify the summaries. I want  
8 to find out what summaries there are that were  
9 handed out. Are the summaries called Team  
10 Relations Memo?

11 A Yes, that could be.

12 Q I'll show it to you. Is there a set  
13 type of document that is passed out at the  
14 meeting?

15 A Generally, it's on a Team Relations  
16 Memo document, yes, sir.

17 Q And you were responsible for creating  
18 that?

19 A Yes, sir.

20 Q You were responsible for its content?

21 A Yes, sir.

22 Q Did anyone review the Team Relations  
23 Memo prior to you passing it out?

ROBERT ALLEN CLEVENGER

Page 32

1 A No, sir.

2 Q Here's a copy of Plaintiff's Exhibit  
3 16. It's entitled Team Relations Memo, February  
4 21, 2007. Is that what you passed out at the  
5 meeting?

6 A That was contained within the packet,  
7 yes.

8 Q So in the packet that was passed out?

9 A Yes.

10 Q All right. What else was in the  
11 packet?

12 A There was a Summary Memo from myself.

13 Q From yourself?

14 A Yes.

15 Q To who?

16 A I believe it was addressed to Greg  
17 Kimble, Director of HR.

18 Q Greg Kendall?

19 A Kimble.

20 Q Take a look at Exhibit 1 there and see  
21 if that is the packet that you handed out.

22 MR. SCOFIELD: Take your time and look  
23 at the whole document. And that's, what, from

ROBERT ALLEN CLEVINGER

Page 33

1 Wendy Warner's deposition?

2 MR. SPORT: It's one of those files  
3 that you brought.

4 MR. SCOFIELD: Counsel, if I can help  
5 the process. I think what Mr. Clevenger is  
6 looking at is the original Team Relations file  
7 that we produced upon request at Wendy Warner's  
8 deposition. That's what I believe that document  
9 is.

10 MR. SPORT: Well, it was separate. You  
11 produced several files. It was separate. And  
12 from his description of the packet, it sounded  
13 like that might be it.

14 MR. SCOFIELD: Well, that's what -- I  
15 don't want to guess here. But Mr. Clevenger  
16 will tell us if he distributed all of that.

17 Q Okay.

18 A It didn't contain everything.

19 Q Could you look at Exhibit 1 and give me  
20 the date and Bates number?

21 MR. SCOFIELD: Vince, those are going  
22 to be originals that aren't numbered.

23 MR. KILBORN: Uh-huh.

ROBERT ALLEN CLEVENGER

Page 34

1 Q Let's see if we can do this as painless  
2 as possible. Look at Exhibit 1. The first memo  
3 in there is dated February 23, 2007 from, what,  
4 yourself to Mr. Kimble?

5 A Yes, sir.

6 Q That was in the packet?

7 A Yes, sir.

8 Q All right. And the next document looks  
9 like a handwritten note. Was that in the  
10 packet?

11 A No, sir.

12 MR. SCOFIELD: And if I can just  
13 interject here, Vince. That represents the  
14 original Bates number that you guys have, which  
15 is number 34, which is the second page of that  
16 memo that had attorney-client information that I  
17 redacted. I withheld the original, but you guys  
18 have the redacted version.

19 Q The next document in that Exhibit 1 is  
20 an e-mail dated February 21, 2007 from Mr. John  
21 Applegate to yourself. It's also Defense  
22 Exhibit 6. Was that in the packet?

23 A No, sir.

ROBERT ALLEN CLEVENGER

Page 35

1 Q And the next document is entitled Team  
2 Relations Memo, dated February 21, 2007, from  
3 yourself to William Ware. It's also Plaintiff's  
4 Exhibit 16. Was that in the packet?

5 A May I clarify?

6 Q Sure.

7 A You said from myself to William Ware.  
8 It's from William Ware to myself.

9 Q Excuse me. I'm sorry.

10 A That's okay.

11 Q That was in the packet?

12 A Yes, sir.

13 Q And that's also Plaintiff's Exhibit 16  
14 that sits here?

15 A Yes, sir.

16 Q And there's a handwritten statement --  
17 purportedly by Mr. Brookshire -- initialed at  
18 the bottom and a second statement initialed by  
19 Mr. Brookshire at the bottom. The first one  
20 being dated February 15, '07 and the second one  
21 being dated, I think, February 19, '07. Was  
22 that in the packet?

23 A Yes, sir.



ROBERT ALLEN CLEVENGER

Page 36

1 Q And I think we've already covered this  
2 one. The next document is a February 9, 2007  
3 memorandum from -- an e-mail it looks like. I  
4 can't tell whether it's a document from John  
5 Applegate to Mr. Greg Prater. Subject, Leon  
6 Dees. It looks like it's answering an e-mail  
7 from William Ware to yourself dated February 7,  
8 2007. Was that document which looks like it's  
9 got two e-mails in it -- was that in the packet?

10 A No, sir.

11 Q And the next document is called  
12 Discussion of Planner. Was that in the packet?

13 MR. SCOFIELD: Object to the form.

14 A No, sir.

15 Q Was there anything else in the packet  
16 other than the three documents we've identified  
17 within Exhibit 1? And we'll run through those  
18 one more time to be sure.

19 A Sure.

20 Q That's the Owner Team Relations  
21 Memorandum, February 23, Greg Kimble to --  
22 excuse me -- from yourself to Greg Kimble; the  
23 Team Relations Memo, February 21; and the two

ROBERT ALLEN CLEVENGER

Page 37

1 written statements by Mr. Brookshire. Was  
2 anything else in the packet?

3 A No, sir.

4 MR. SCOFIELD: Vince, if I might  
5 clarify. Jeff and I were having a side  
6 conversation. There's a second page of the Team  
7 Relations Memo that has Ontario King in it.  
8 That's what I have -- my handwriting is in there  
9 that says number 34. Just in fairness because  
10 that's an original redacted document that is  
11 contained in this exhibit, I think it would be  
12 appropriate to ask him with regard to this page  
13 2.

14 MR. KILBORN: Ontario King's file was  
15 in there, too?

16 MR. SCOFIELD: No, sir, that's not what  
17 I'm saying. I'm saying that there's another  
18 page that goes with this memorandum.

19 Q Was there anything about Ontario King  
20 in the packet?

21 A Yes, sir.

22 Q What was it?

23 A A small entry on another page

ROBERT ALLEN CLEVENGER

Page 38

1 regarding, I believe it was, his name, possibly  
2 Team Member number.

3 Q That's for Ontario King?

4 A Yes, sir.

5 MR. SCOFIELD: And it's sitting right  
6 here. I'm just trying to move things along.

7  
8 (Whereupon, Plaintiff's Exhibit  
9 Number 22 was marked for identification  
10 and copy of same is attached hereto.)

11  
12 Q Within Plaintiff's Exhibit 2, there's a  
13 document entitled Team Relations Memo. I'm  
14 going to put Exhibit 22 on that. It's within  
15 Exhibit 2. And it's dated -- it doesn't have a  
16 date. It says revision date 9 September '04.  
17 Is that Exhibit 22 -- is that the forth document  
18 that was in the packet?

19 A That is page 2 of this other document.

20 Q Page 2 of your memorandum?

21 A Yes, sir.

22 Q So Exhibit 22 was attached to your  
23 February 23, 2007 memorandum to Mr. Greg Kimble?

ROBERT ALLEN CLEVENGER

Page 39

1 A Yes, sir.

2 Q All right. So it was, what, stapled to  
3 it?

4 A Yes, sir.

5 Q Your February 23, 2007 memorandum to  
6 Mr. Greg Kimble has a conclusion and it's got a  
7 recommendation of termination. Did you write  
8 that entire document, including the conclusion  
9 and the recommendation for termination?

10 A There's two questions there, sir.

11 Q Okay. Break them down. Answer both of  
12 them.

13 A Yes, sir, I wrote the document.

14 Q Okay.

15 A The last sentence, the Department is  
16 asking for termination.

17 Q All right. Did you write that?

18 A I wrote those words, yes.

19 Q Was that your recommendation?

20 A That was the recommendation of the  
21 department that he works for.

22 Q Did you have a recommendation?

23 A No, sir.

ROBERT ALLEN CLEVINGER

Page 151

1 summation of what you've said?

2 MR. SCOFIELD: Object to the form.

3 A Yes, sir.

4 Q You say in your February 23, 2007 Team  
5 Relations Memo to Greg Kimble that was given to  
6 the termination meeting in your conclusion, I  
7 believe we must give weight to the manager's  
8 account and assume that the event took place at  
9 one a.m. on Wednesday morning. Did you see  
10 that?

11 MR. SCOFIELD: No, Vince. We're trying  
12 to get to that document.

13 MR. KILBORN: It's in your Exhibit 1.

14 MR. SCOFIELD: There are only about 500  
15 pages in here. So we're working our way there.

16 MR. SPORT: No. That one was out.

17 MR. KILBORN: There you go.

18 Q Have you got that memo that you wrote?

19 A Yes, sir.

20 Q You see your conclusion?

21 A I see the sentence that you read, yes,  
22 sir.

23 Q You say, I believe we must give weight

ROBERT ALLEN CLEVENGER

Page 152

1 to the manager's account. Is the I you?

2 MR. SCOFIELD: Object to the form.

3 A Yes.

4 Q And the we is who?

5 A HMMA.

6 Q That's not just the team -- the people  
7 who were going to be in the team meeting.

8 That's the entire company?

9 A Well, I mean the collective we.

10 Q And you say weight. What do you mean  
11 weight to the manager's account? Do you mean  
12 that he would be more believable than Dees?

13 A I believe that we must give -- that we  
14 needed to give that statement more weight.

15 Q And do you base that on anything other  
16 than the fact that Brookshire was a manager?

17 A No, sir.

18 Q You also state underneath there, I have  
19 a signed statement by the Stamping Manager that  
20 he was 15 feet from Leon and observed him for  
21 two minutes. There was a chair placed in  
22 between the two open doors. The area is several  
23 feet off the floor and isn't an area that a



ROBERT ALLEN CLEVINGER

Page 125

1           A     It appears that the doors are open,  
2     yes, sir.

3           Q     Does it appear to you --

4           A     And would conceal the chair in the  
5     middle.

6           Q     It would hide it, wouldn't it?

7           A     Yes, sir.

8

9           (Whereupon, Plaintiff's Exhibit  
10    Number 23 was marked for identification  
11    and copy of same is attached hereto.)  
12

13          Q     I'm going to show you, Mr. Clevenger, a  
14    series of photographs Bates numbered 344 through  
15    350. And the Bates numbers are at the bottom  
16    lower right, so we may refer to those numbers.  
17    Do you know what these pictures are?

18          A     Yes, sir.

19               MR. SCOFIELD: Go ahead and flip  
20    through all of them.

21          Q     Have you flipped through it?

22          A     Yes, sir.

23          Q     What are they?

ROBERT ALLEN CLEVENGER

Page 126

1           A     This is the area that Mr. Applegate  
2     said that the incident took place.

3           Q     And Hyundai has told us that these were  
4     taken on March 5, 2007. Does that jibe with  
5     your recollection?

6           A     Yes, sir.

7           Q     Did you take the pictures?

8           A     Yes.

9           Q     And what was the purpose?

10          A     Mr. Dees had requested that his  
11     termination be reviewed by a Team Member Review  
12     Board. So in preparation for him starting that  
13     process, I took these photos.

14          Q     And how did you know where to go take  
15     the photos?

16          A     Mr. Applegate had shown me where the  
17     incident had taken place.

18          Q     Previously?

19          A     During this situation.

20          Q     So he was there when you took the  
21     pictures?

22          A     As I recall.

23          Q     Anybody else?

GWANG MUN

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

CASE NO.: 2:07-cv-00306-MHT-CSC

JERRY LEON DEES, JR.,

Plaintiff,

V.

HYUNDAI MOTOR MANUFACTURING ALABAMA, LLC and

HYUNDAI MOTOR AMERICA, INC.,

Defendants.

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED by and  
between the parties, through their respective  
counsel, that the deposition of GWANG MUN may be  
taken before STACEY L. JOHNSON, Commissioner, at  
the Hampton Inn, 60 Wasden Road, Hope Hull,  
Alabama, on the 8th day of January, 2008.



GWANG MUN

Page 22

1 Q You worked with Mr. Dees for seven  
2 months prior to him being terminated, did you  
3 not?

4 A Until January of 2007, I used to work  
5 in the Welding Department, and at that time --  
6 that is, January of 2007 -- I moved over to  
7 Stamping Department and I have worked with  
8 Mr. Dees for about a month. I used to spend  
9 about roughly 80 percent of my time for the  
10 Welding side.

11 Q Prior to January of 2007?

12 A That is true.

13 Q Did Mr. Dees ever give you any reason  
14 to believe that he was not honest?

15 MR. JOHNSON: Object to the form.

16 A No.

17 Q Did Mr. Dees ever give you any reason  
18 to believe that he was not an honorable man?

19 MR. JOHNSON: Object to the form.

20 THE INTERPRETER: I have a little  
21 difficulty in interpreting the word honorable,  
22 so let me explain to him because I can't find  
23 the exact match -- matching word in Korean. May

GWANG MUN

Page 23

1 I ask him a little help?

2 MR. JOHNSON: It's Mr. Sport's  
3 deposition.

4 MR. SPORT: I don't have a problem with  
5 that as long as -- as long as the meaning of my  
6 question is ultimately conveyed to Mr. Mun.

7 THE INTERPRETER: Okay. I'm assuming  
8 that there is a word for it, but I just can't  
9 think of it. And that's what I would like to  
10 tell him.

11 MR. SPORT: A Korean word for --

12 MR. CHU: I'm actually still trying to  
13 find the direct appropriate translation.

14 THE INTERPRETER: These are cultural  
15 differences that sometimes -- the expression is  
16 not used in Korea that way, so it's difficult  
17 to -- honorable man.

18 MRS. DEES: It means -- I would take it  
19 as wouldn't do anything out of line.

20 MR. SPORT: Well, let me explain --

21 THE INTERPRETER: It's -- it's --

22 MR. SPORT: -- what I mean in English  
23 and then maybe you can find an appropriate way

GWANG MUN

Page 24

1 to phrase it in Korean. What I mean when I say  
2 an honorable man is he has integrity, he is  
3 honest, he -- he tells the truth, he behaves  
4 appropriately.

5 MR. JOHNSON: Object to the form.

6 A I would say that he is an honorable  
7 man.

8 Q Okay.

9 A It is a rather difficult question for  
10 me to answer because as I explained.

11 Q I understand. Do you know Katherine  
12 Dees?

13 A This is the first chance that I have to  
14 see her in person.

15 Q Have you ever spoken with Mrs. Dees on  
16 the telephone?

17 A I have talked with her twice on the  
18 phone.

19 Q Do you know Greg Prater?

20 A I do.

21 Q How long did you know Mr. Prater?

22 A About 14 months. Approximately 14  
23 months.



GWANG MUN

Page 57

1 Q Did you think it was unusual for  
2 Mr. and Mrs. Dees to call you and tell you what  
3 had happened?

4 MR. JOHNSON: Object to the form.

5 A A little.

6 Q Why did you agree to check into the  
7 matter?

8 A I thought I should help clear up the  
9 situation if someone is accused of doing  
10 something they claim they didn't, whether it was  
11 Mr. Dees or someone else.

12 Q Isn't it true, Mr. Mun, that Mr. Dees  
13 was a very good worker and that this accusation  
14 that led to his firing was totally out of  
15 character for Mr. Dees?

16 MR. JOHNSON: Object to the form.

17 A My feeling was not that strong.

18 Q Was it a feeling along those lines but  
19 may be not quite as strong as I expressed it?

20 MR. JOHNSON: Object to the form.

21 A I do not understand the point of your  
22 question.

23 Q Well, I'm just trying to -- to

GWANG MUN

Page 58

1     ascertain why it was that you agreed to help  
2     these people if you had absolutely no  
3     relationship with them beyond knowing who  
4     Mr. Dees was at work.

5           A     I feel I should try to help anybody who  
6     is falsely accused of wrongdoing.

7           Q     Did you think he was falsely accused at  
8     that point?

9           MR. JOHNSON: Object to the form.

10          A     Aside from the fact I was just told by  
11     Mr. and Mrs. Dees that he was accused of  
12     sleeping.

13          Q     Falsely?

14          A     Falsely.

15          Q     Did you actually check into why  
16     Mr. Dees had been fired?

17          A     Yes.

18          Q     Who did you make inquiries to?

19          A     I was told that a man by the name of  
20     Jim filled out the report, and I did talk to  
21     Jim.

22          Q     So you talked to Mr. Brookshire?

23          MR. JOHNSON: Object to the form.

GWANG MUN

Page 59

1 A Probably.

2 Q And what did Mr. -- well, scratch  
3 that.

4 Who told you that Mr. Brookshire had  
5 filled out the report?

6 A Greg Prater.

7 Q So the first person you talked to was  
8 Mr. Prater, and he told you that Mr. Brookshire  
9 had filled out the report?

10 MR. JOHNSON: Object to the form.

11 A I did ask Mr. Prater what happened, and  
12 Jim Brookshire -- and he said Jim Brookshire  
13 filled out the report.

14 Q And when you talked to Mr. Brookshire,  
15 what did he tell you?

16 A He explained what it looked like from  
17 the third floor, and I read his report.

18 Q Do you recall anything about what he  
19 told you it looked like?

20 A Yes, I do remember what he told me.

21 Q And what was that?

22 A I went to the place with him.

23 Q The place where he allegedly saw

GWANG MUN

Page 60

1 Mr. Dees asleep?

2 A Yes.

3 Q And what happened when you went to the  
4 place?

5 A He was sitting in his chair and was  
6 sleeping.

7 Q That's what Mr. Brookshire told you?

8 A Yes.

9 Q So when you went up to the third floor  
10 mezzanine near the PLC controller, what did you  
11 see?

12 A There was a chair on the side.

13 Q On the side of what?

14 A Beside the control panel.

15

16 (Whereupon, Plaintiff's Exhibit  
17 Number 28 was marked for identification  
18 and copy of same is attached hereto.)

19

20 Q I'm going to show you what I've marked  
21 as Plaintiff's Exhibit Number 28. Is that what  
22 you saw?

23 A I'm not sure, but when I was there,

GWANG MUN

Page 61

1 this chair was sitting on the left side.

2

3 (Whereupon, Plaintiff's Exhibit  
4 Number 29 was marked for identification  
5 and copy of same is attached hereto.)  
6

7 Q Okay. Let me show you what I've marked  
8 as Exhibit 29. Is that closer to what you saw  
9 but the chair is on the wrong side?

10 A I remember the chair was on the left  
11 side.

12 Q So -- and the positioning of the doors,  
13 were the doors closed?

14 A I believe it was closed.

15 Q And this visit that you made with  
16 Mr. Brookshire up to the third floor mezzanine  
17 would have been the day after Mr. Dees was  
18 fired?

19 A It was the next day.

20 Q Did you call Mrs. Dees back?

21 A Yes, I did.

22 Q And when was that?

23 A I don't remember exactly what day. I

GWANG MUN

Page 62

1 remember calling her from my house.

2 Q Would that have been the next night  
3 from the original phone call?

4 A It was right after I met Jim  
5 Brookshire, so it's likely that there was --  
6 there was a day.

7 Q What did you -- well, before I get to  
8 that, did Mr. Brookshire say anything else about  
9 him finding Mr. Dees asleep?

10 A He didn't talk about anything else.

11 Q Did he -- did he describe to you what  
12 he saw in any more specific terms than just  
13 seeing Mr. Dees asleep?

14 A I don't recall exactly what took place  
15 between Mr. Brookshire and myself, but I recall  
16 that Mr. Brookshire mentioned that until I got  
17 quite close to Mr. Dees he did not -- he was not  
18 aware of my approaching.

19 Q That's what Mr. Brookshire said?

20 A Yes.

21 Q Is that all that you remember about  
22 your conversation with Mr. Brookshire?

23 A That's it. That's about all.



GWANG MUN

Page 67

1 investigation into the process that was gone  
2 through to ensure that HMMA was following its  
3 own policies and, as you stated, the normal  
4 practice of making sure that someone got an  
5 evaluation prior to being terminated.

6 MR. JOHNSON: Object to the form.

7 Q Did you follow up on that?

8 THE INTERPRETER: It's too long.

9 MR. SPORT: Too long.

10 THE INTERPRETER: I can't -- yeah.  
11 Could you cut it short a few pieces?

12 MR. SPORT: Sure.

13 Q You said to me a moment ago that  
14 someone had told you that Mr. Dees did not show  
15 up for his hearing.

16 A Whether he didn't come or whether he  
17 left the meeting, yeah, I don't remember.

18 Q Okay. But that would have occurred  
19 after your return phone call to Mrs. Dees?

20 MR. JOHNSON: Object to the form.

21 A That must have taken place before he  
22 was fired.

23 Q Well, the documents will show whatever

GWANG MUN

Page 68

1 they show. But my question is this. Mrs. Dees  
2 told you two things. One was that Mr. Dees was  
3 not asleep but he had been accused of being  
4 asleep and that's why he was fired. And you've  
5 told me what you did to check into that. The  
6 second thing that you told me was that he was  
7 fired without a due evaluation of the event.  
8 And I'm asking what did you do to check into  
9 whether or not that was true.

10 MR. JOHNSON: Object to the form.

11 A I simply asked someone about that.

12 Q And who did you ask?

13 A Greg Prater.

14 Q And what did Mr. Prater say?

15 A As I told you a few minutes ago, either  
16 Mr. Dees did not come to the meeting or he left  
17 the meeting. And I heard that there was a  
18 hearing about that.

19 Q And that's what Mr. Prater told you?

20 A Yes. That's correct.

21 Q So when you called Mrs. Dees, did you  
22 tell her anything about the fact that there had  
23 been an investigation and it had been determined

GWANG MUN

Page 69

1 that Mr. Dees, in fact, was asleep?

2 MR. JOHNSON: Object to the form.

3 A I remember I said something like that.

4 Q So when you called Mrs. Dees back as  
5 you said you would, you were doing what you  
6 promised to do; is that correct?

7 MR. JOHNSON: Object to the form.

8 A I told her the day before that I would  
9 look into the matter, and I was trying to give  
10 her what I found out.

11 Q And you did that?

12 A Yes.

13 Q So you were an honorable man; you were  
14 a good man?

15 MR. JOHNSON: Object to the form.

16 A Thank you for regarding me as a good  
17 man.

18 Q Mr. Mun, is it not true that when you  
19 called Mrs. Dees you told her that Mr. Prater  
20 was lying but there was nothing you could do  
21 about it, that you had been told to stay out of  
22 it?

23 MR. JOHNSON: Object to the form.

JOHN WAYNE APPELEGATE

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

CASE NO.: 2:0cv00306-MHT-CSC

JERRY LEON DEES, JR.,

Plaintiff,

V.

HYUNDAI MOTOR MANUFACTURING ALABAMA, LLC and  
HYUNDAI MOTOR AMERICA, INC.,

Defendants.

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED by and  
between the parties, through their respective  
counsel, that the deposition of JOHN WAYNE  
APPELEGATE may be taken before STACEY L. JOHNSON,  
Commissioner, at the Marriott Prattville at  
Capitol Hill, 2500 Legends Circle, Prattville,  
Alabama, on the 29th day of November, 2007.



JOHN WAYNE APPLGATE

Page 27

1 Q So what would you estimate the  
2 percentage of time that would be split between  
3 working under the Stamping press in that  
4 location versus working near the conveyor  
5 picking up scrap that had come off of it?

6 A For the Maintenance person, he would be  
7 spending the majority of his or her time  
8 underneath the press on the press side and not  
9 so much time over by the scrap shoot. The scrap  
10 shoots -- I mean, there's no equipment over  
11 there, you know, so they spend their time where  
12 the equipment is.

13 Q The Team Members, as I understand it,  
14 complete daily reports -- are required to  
15 complete daily reports and turn those in?

16 A Yes.

17 Q And put them in a book?

18 A Yes.

19 Q I guess that book is maintained by  
20 whoever the supervisor is?

21 A Yes.

22 Q Okay. And I assume that those daily  
23 reports would log whatever it is that Team

JOHN WAYNE APPLGATE

Page 28

1 Member was assigned to do that day?

2 A It should, yes.

3 Q It should. So if I were to look at  
4 those daily reports, it should tell me what,  
5 say, on any particular day Mr. Dees was doing  
6 versus what Mr. Archer, Mr. Barefoot, or any  
7 other Team Member was doing?

8 A Yes. If they -- again, if they  
9 completed them, you know, accurately it should.

10 MR. SPORT: Matt, I think those are  
11 responsive and we'd like those. I haven't seen  
12 any of those.

13 MR. JOHNSON: I don't -- I'm not sure  
14 what they would be responsive to. I'm not  
15 saying they're not responsive. They certainly  
16 haven't come up. And I don't know anything  
17 about the retention policy on those or how long  
18 they keep them or who keeps them. So I don't  
19 know. We can -- I can certainly go back and try  
20 to figure out, one, whether they're responsive  
21 to any and, two, if we still have them or would  
22 have them.

23 MR. SPORT: Well, let's ask



JAMES ALLEN BROOKSHIRE

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

CASE NO.: 2:0cv00306-MHT-CSC

JERRY LEON DEES, JR.,

Plaintiff,

V.

HYUNDAI MOTOR MANUFACTURING ALABAMA, LLC and

HYUNDAI MOTOR AMERICA, INC.,

Defendants.

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED by and  
between the parties, through their respective  
counsel, that the deposition of JAMES ALLEN  
BROOKSHIRE may be taken before STACEY L.  
JOHNSON, Commissioner, at the Marriott  
Prattville at Capitol Hill, 2500 Legends Circle,  
Prattville, Alabama, on the 29th day of  
November, 2007.



JAMES ALLEN BROOKSHIRE

Page 108

1 Q Go ahead and write hinged.

2 A (Witness complied.)

3 Q And the door in the middle is hinged on  
4 its left or right side looking at the drawing?

5 A Looking at the drawing the handle is on  
6 the left-hand side of the door, so it would have  
7 to be hinged on the right.

8 Q Okay. Now, I've heard that somehow or  
9 another Mr. Dees had used the doors to provide a  
10 hiding place. Is that your recollection?

11 A My recollection is at the time of this  
12 incident the doors may have been cracked open  
13 because sometimes Maintenance doesn't completely  
14 shut the doors so they can easily access the  
15 panel. But my recollection was the doors were  
16 mostly shut. I can't account if they were  
17 exactly locked shut but they were mostly shut.  
18 As far as him using that routinely and opening  
19 the doors to hide, I don't know.

20 Q You didn't see door panels -- excuse  
21 me -- you didn't see doors open to the extent  
22 that you thought they were being used by  
23 Mr. Dees as a blind to hide behind?

JAMES ALLEN BROOKSHIRE

Page 109

1 MR. JOHNSON: Object to the form.

2 A What I can tell you is the day of the  
3 incident that I seen him I can't tell you  
4 whether the doors were completely locked or not,  
5 but they weren't wide open.

6 Q Well, in your opinion, since you were  
7 the only one there besides Mr. Dees, were the  
8 doors positioned so they made a blind to assist  
9 in hiding?

10 MR. JOHNSON: Object to the form.

11 A I can't really see how opening these  
12 doors hides him from anything.

13 Q I can't either, but that's not my  
14 question.

15 A This is the third floor, and when  
16 you're down here, this door is going to hide you  
17 from a crane coming at you and that door hides  
18 you from an elevator. So there's really...

19 Q So if you wanted to hide, you wouldn't  
20 open the door panels looking at this drawing on  
21 the left or right because the visibility would  
22 be --

23 A Down below.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

JERRY LEON DEES, JR.,

Plaintiff,

Vs.

HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC, and HYUNDAI  
MOTOR AMERICA, INC.,

Defendants.

\*  
\*  
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**CASE NO.  
2:07-cv-00306-MHT-CSC**

**DECLARATION OF LEON DEES**

1. My name is Leon Dees. I am over eighteen (18) years of age, and I have personal knowledge regarding the information contained in this Declaration.

2. I was employed with Hyundai Motor Manufacturing Alabama, LLC ("HMMA"), from November 2005 until February 26, 2007, in the stamping maintenance department as a maintenance technician.

3. During my interview with Greg Prater and William Ware conducted as part of the investigation by Team Relations of the allegation that Jim Brookshire observed me sleeping, I told Prater and Ware that I had not been sleeping, that I did not sleep at work, and that Shane Archer and I had been in the SOPS on the third floor to repair and pull trolleys. I also told them that Shane had been with me the entire shift except for the five or so minutes he went down to press No. 2 before me, as I had stayed behind to make sure that the trolleys were not going to malfunction again. I further told them that if



they questioned Shane about the incident, he should be able to verify everything I had told them.

4. My work record at HMMA prior to the harassment about my military service obligations was exemplary. I had no blemishes on my work record at HMMA prior to the Guard writing the Letter of Instruction ("LOI") to HMMA in October 2006. Within a week of the LOI, and until I wrote an e-mail to Greg Kimble on February 6, 2007, citing continued harassment about my military service obligations despite two previous complaints to, I was written up four times for various alleged rules infractions.

5. Exactly one week after I wrote the email to Kimble, complaining for the third time about harassment because of my military service obligations, I was accused of sleeping on the job.

6. The pit is a concrete-enclosed area under the two stamping presses. Working in the pit is a highly dangerous and filthy activity. HMMA requires employees working in the pit to wear ballistic sleeves over their clothing and safety eyewear to prevent injury from flying metal, and hearing protection to prevent hearing loss from the 90 decibel noise level. The stamping presses punch out automobile body panels from sheet metal using thousands of pounds of hydraulic force. Scrap metal pieces from the stamping process, many of them razor sharp, fall down through a chute into the pit below. Along with the razor-sharp scrap metal comes hydraulic fluid and oil from lubricating the presses and the material being pressed during the stamping process. Although in theory the scrap metal is supposed to fall onto a conveyor that transports it out from under the press where it can be accumulated to send to a scrap vendor, much of the razor-sharp scrap metal flies through the air and lands on the floor. While all of

this is happening and the presses are running immediately overhead, the employee assigned to the pit must clean up the mess constantly being made by the razor-sharp metal and fluids hitting the floor.

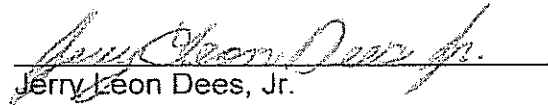
7. As part of my job function at HMMA, I completed Daily Reports every day that detailed the work activities I performed each day. These Daily Reports were filed in the maintenance shop office and maintained by Greg Prater. When I was assigned to the pit, which was often, after I complained to my unit about being harassed because of my military service obligations, I would always designate on the Daily Report that I was in the pit. An analysis of those Daily Reports would reveal that I worked in the pit more than any other stamping maintenance employee.

8. I have recently learned that Spencer Lewis, who had replaced Greg Prater as Assistant Manager and has since left HMMA, saw Greg Prater destroy the daily reports that related to me sometime after this lawsuit was filed and before Prater left HMMA.

9. Although I never talked to a pastor about the emotional distress I suffered or sought medical treatment for it or cry about it, I did experience severe emotional distress, and dealt with it internally through praying to his Lord about it. I relive the trauma of being falsely accused of abandoning my post every time I fill out a job application or a bank loan application. My wife and I cannot discuss what happened for any length of time without her breaking down and crying, which causes me great pain.

10. The weekend drill schedule published by the Guard every October is the only notice of Guard drill weekend dates. I repeatedly told this to HMMA management when orders for weekend drill were repeatedly demanded.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing information is true and correct. Executed this 31 day of January, 2008.

  
Jerry Leon Dees, Jr.



**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

JERRY LEON DEES, JR.,

Plaintiff,

Vs.

HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC, and HYUNDAI  
MOTOR AMERICA, INC.,

Defendants.

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**CASE NO.  
2:07-cv-00306-MHT-CSC**

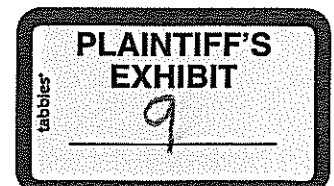
**DECLARATION OF SHANE ARCHER**

1. My name is Shane Archer. I am over eighteen (18) years of age, and I have personal knowledge regarding the information contained in this Declaration.

2. I am a team member in the Stamping Maintenance department at Hyundai Motor Manufacturing Alabama, LLC ("HMMA"). Leon Dees and I were team members in Stamping Maintenance, reporting to Greg Prater, our immediate supervisor.

3. Based on my personal observations, Prater wanted to get rid of Leon because of the ongoing dispute over Leon's Guard obligations. On at least two occasions, Prater attempted to coerce me to lie about Leon so that HMMA could have him fired.

4. In November or December 2006, Prater tried to get me to say that Leon was threatening and making the workplace stressful because of his aggressive behavior. I refused to lie. On another occasion, Prater tried to get me to say that Leon threw down a part and walked away from Prater. I was there, and Leon did not throw



anything down or walk away. I was very uncomfortable in these situations. However, I would not lie so HMMA could fire Leon.

5. All the team members in Stamping Maintenance, including myself, knew that Prater was out to get Leon because of his Guard obligations.

6. On the night that Jim Brookshire claims he caught Leon sleeping, I was working with Leon in the Side Outer Panels area, commonly referred to as the SOPS. I had been with HMMA for approximately six months, and was training with Leon.

7. Leon was assigned responsibility for SOPS, so he was stationed in that area. It was very common for Leon to be in this area, since it was his area of assigned responsibility. Leon was assisting the production department in running the system. We were on the third floor mezzanine. I saw Kevin Hughes, team leader, walking below us and looking up. The floor we were on is steel mesh that can be seen through. Jim Brookshire was with Kevin Hughes, and they were looking up at Leon and myself. We were clearly visible.

8. Shortly thereafter, I left the third floor. Leon remained to monitor the trolley system that carries the stamped panels. I went to press No. 2 to check on things there. When I left the third floor, the doors on the PLC cabinet were closed. There was no "blind" created with the PLC doors to hide Leon's chair.

9. When I left Leon, he was, as usual, alert and tending to his responsibilities. I observed Leon and saw no indication that Leon was groggy or tired.

10. Approximately five minutes after I left Leon on the third floor, Leon came down and joined me at press No. 2. The five or so minutes we were apart was the only time we were apart all night. Although I do not remember the exact time, I do remember

that it was before our lunch time at 11:30 p.m. We were working the 6:00 p.m. to 4:45 a.m. shift.

11. When Leon joined me at press No. 2, he was alert. Again, I observed Leon, and he gave no indication of being tired or groggy.

12. As I stated, Leon and I were separated only for about five minutes. Leon could not have set up the PLC as a "blind" or otherwise have arranged the room, fallen asleep, woke up, and returned to me at press No. 2 within that time frame.

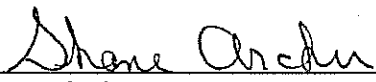
13. Leon did not fall asleep at work. I believe this false claim was an excuse to fire Leon because of Leon's Guard activities.

14. It was clear to me for quite some time that Leon was being harassed because of his Guard obligations. Leon was always the first choice to work the pit, which is a job that no one likes to do. The Stamping Maintenance daily reports, completed by the team members based on their assigned tasks each day, would show that Leon worked the pit more than anyone on our shift. Team members turned these daily reports in to Greg Prater, who filed them in the shop office.

15. I understand that HMMA conducted an investigation into the events regarding Brookshire allegedly catching Leon asleep. Even though I was the HMMA employee who worked side-by-side with Leon the entire night in question, no one at HMMA asked me a single question about that night before Leon was fired. After this case was filed, one of HMMA's lawyers asked me what happened that night, and I told him Leon was not sleeping.

16. Neither Hughes nor Brookshire came up to the third floor mezzanine area that night while I was up there.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing information is true and correct. Executed this 24 day of January, 2008.

  
Shane Archer

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

JERRY LEON DEES, JR.,

Plaintiff,

Vs.

HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC, and HYUNDAI  
MOTOR AMERICA, INC.,

Defendants.

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CASE NO.  
2:07-cv-00306-MHT-CSC

**DECLARATION OF MARK BORNBERG**

1. My name is Mark Bornberg. I am over eighteen (18) years of age, and I have personal knowledge regarding the information contained in this Declaration.

2. I am a team member in the Stamping Maintenance department at Hyundai Motor Manufacturing Alabama ("HMMA"). I worked with Leon Dees and with Greg Prater, our immediate supervisor.

3. HMMA harassed Leon about his Guard duty, particularly about not having written orders for his drill weekends. Leon went to John Applegate, head of Maintenance, to complain about HMMA's harassment, but Applegate did not take any action.

4. Leon then went to Human Resources and complained about the harassment. When that did no good, he had his Guard unit write a letter to HMMA Human Resources about the federal law pertaining to Guard personnel.



5. After the letter from the Guard, Prater's harassment of Dees got worse. It looked like Leon had a target on his back because of his Guard obligations. The other team members thought so too.

6. On one occasion, Kevin Hughes, team leader, took a small disagreement and accused Leon of threatening him. On another occasion, when Leon asked Prater to buy locks for the gang boxes, Prater accused Leon of creating a hostile work environment.

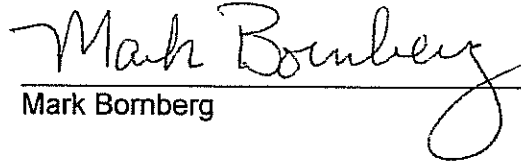
7. Shane Archer told me that HMMA tried to get Archer to lie and say that Leon was creating a hostile work environment so that HMMA could fire him. Archer refused, even though he had been an employee only a few months.

8. HMMA always assigned Leon to clean the pit more than anyone else. During a one-week period, Leon cleaned the pit several days.

9. Paul Powell, a Stamping Maintenance team member from the other shift, and I demanded proof that Leon was sleeping. All that existed was the word of Jim Brookshire. Brookshire's word is questionable. Brookshire has come to work with alcohol on his breath. This has been witnessed by several other people.

10. Brookshire often sided with Prater in HMMA's harassment of Dees. On one occasion, Prater, Brookshire and Craig Stapely got onto Leon about not completing his daily report, although other team members had not completed their daily reports and no other team member was questioned.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing information is true and correct. Executed this 22nd day of January, 2008.

  
Mark Bornberg



**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

JERRY LEON DEES, JR.,

Plaintiff,

Vs.

HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC, and HYUNDAI  
MOTOR AMERICA, INC.,

Defendants.

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**CASE NO.  
2:07-cv-00306-MHT-CSC**

**DECLARATION OF JOHN WINGO**

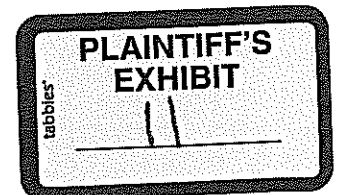
1. My name is John Wingo. I am over eighteen (18) years of age, and I have personal knowledge regarding the information contained in this Declaration.

2. I was employed with Hyundai Motor Manufacturing Alabama, LLC ("HMMA"), from January 2006 until September 2006, in the stamping maintenance department as a team member of Leon Dees.

3. I have known Leon Dees for several years, and I worked with him at International Paper before coming to HMMA.

4. While I was employed by HMMA, HMMA, through supervisors such as Greg Prater, harassed Leon Dees about his orders from the National Guard and made derogatory comments about the National Guard in general.

5. In my presence, and in the presence of other team members, Prater stated that all Guard members did on their training weekends was drink beer and play golf. Prater made clear that he resented Leon for fulfilling his obligations to the Guard.



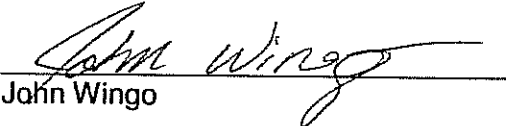
6. On several occasions, HMMA and Prater demanded that Leon provide orders for his training weekends. Leon would explain that his training schedule was published annually and provided to HMMA Human Resources, and that he had turned it in as he was supposed to. Demanding non-existent orders from Leon was clearly harassment based on Leon's Guard obligations.

7. On one occasion, Leon had two weeks special training for the Guard. HMMA and Prater demanded orders showing he had to attend the training. Leon explained that he had already filled out and provided appropriate forms. Prater, however, would not let it drop. The closer it got to Leon's departure date for the training, HMMA and Prater kept bringing it up, demanding a copy of his orders, and Leon would again explain that he had properly turned forms in.

8. HMMA would send Leon to clean the pit more than anyone else. HMMA also assigned Leon the worst jobs, such as the dirty job of wiping down the press.

9. It was clear to me and common knowledge among the Stamping Maintenance team members that HMMA wanted to get rid of Dees because of his Guard obligations.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing information is true and correct. Executed this 24th day of January, 2008.

  
John Wingo

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

JERRY LEON DEES, JR.,

Plaintiff,

Vs.

HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC, and HYUNDAI  
MOTOR AMERICA, INC.,

Defendants.

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CASE NO.  
2:07-cv-00306-MHT-CSC

DECLARATION OF LT. COL. (Ret.) TODD HARRISON

1. My name is Todd Harrison. I am over eighteen (18) years of age, and have personal knowledge regarding the information contained in this Declaration.

2. During 2003 and 2004, I was Commander of the <sup>DAF</sup> 1168<sup>th</sup> Military Police Battalion in Baghdad, Iraq. Sgt. Jerry Leon Dees was a member of the 1165<sup>th</sup> Military Police, which was assigned to my Battalion.

3. I came to know Sgt. Dees when he was assigned to my second security detail. Sgt. Dees served in this capacity for three to six months. During his time on my security detail, Sgt. Dees was always extremely professional, alert, and dependable.

4. Sgt. Dees was in charge of my second security detail, which was a back-up to my personal body guard, a staff sergeant who ran my entire security detail. My personal body guard came to rely heavily on Sgt. Dees because of Sgt. Dees' reliability and professionalism.



5. I literally trusted Sgt. Dees with my life, and I cannot believe any claim that Sgt. Dees fell asleep while on duty, even in a civilian job. This would be completely contrary to his character.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing information is true and correct. Executed this 24th day of January, 2008.

  
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Lt. Col. (Ret.) Todd Harrison

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

JERRY LEON DEES, JR.,

Plaintiff,

Vs.

HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC, and HYUNDAI  
MOTOR AMERICA, INC.,

Defendants.

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CASE NO.  
2:07-cv-00306-MHT-CSC

**DECLARATION OF WENDELL RICHBURG**

1. My name is Wendell Richburg. I am over eighteen (18) years of age, and I have personal knowledge regarding the information contained in this Declaration.

2. Until my retirement in October 2007, I was the Operations NCO for the 1165<sup>th</sup> Military Police, an Army National Guard unit headquartered at Riel Armory in Fairhope, Alabama. I served in the National Guard for twenty-two years.

3. I first met Sergeant Jerry Leon Dees in March 2003. Although Sgt. Dees had been in a chemical unit in Clanton, Alabama, Dees volunteered for active duty with the 1165<sup>th</sup> in Iraq, serving with honor in Iraq from May 2003 through July 2004. Most of that time Sgt. Dees spent in the Baghdad area training Iraqi police and conducting combat patrols.

4. I frequently accompanied Sgt. Dees on combat patrols as part of a three-man team. When I had the opportunity, I specifically elected to patrol with Sgt. Dees because of his skill, courage, and dependability.

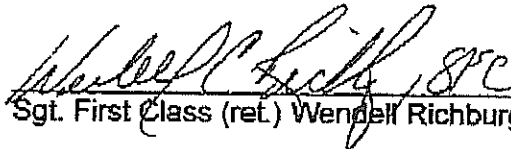


5. While in Iraq, Sgt. Dees was also assigned to the personal protection team of Colonel Baker, the Commanding Officer of the 2<sup>nd</sup> Brigade, 1<sup>st</sup> Armored Division. Sgt. Dees has been recommended for a Bronze Star for his performance in this job.

6. Sgt. Dees was a good man in combat, and always received excellent ratings on his efficiency reports. I cannot believe any allegation that Sgt. Dees fell asleep while on duty, even in a civilian job. This would be completely contrary to his character.

7. Sgt. Dees should have been eligible for a promotion earlier this year, except that he was not able to attend a mandatory school because of his problems at Hyundai.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing information is true and correct. Executed this \_\_\_\_\_ day of January, 2008.

  
Sgt. First Class (ret.) Wendell Richburg

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JERRY LEON DEES, JR.,

Plaintiff,

vs.

HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC, and HYUNDAI MOTOR  
AMERICA, INC.,

Defendants.

CASE NO.  
2:07-cv-00306-MHT-CSC

**HYUNDAI MOTOR MANUFACTURING ALABAMA LLC'S AND  
HYUNDAI MOTOR AMERICA, INC.'S INITIAL DISCLOSURES**

Defendants Hyundai Motor Manufacturing Alabama LLC ("HMMA") and Hyundai Motor America, Inc. ("HMA") (collectively "Defendants"), provide the following identification of witnesses, documents, damages and insurance coverage as provided for in Federal Rule of Civil Procedure 26(a)(1):

**A. Persons Likely To Have Discoverable Information**

Defendants state that Plaintiff's counsel is ethically prohibited by Rule 4.2 of the Alabama Rules of Professional Conduct from contacting HMMA and HMA employees who possess management authority or whose admissions could bind Defendant(s). As such, Plaintiff is prohibited from contacting witnesses designated below as 2-8. Without waiving and in accordance with this statement, Defendants are aware of the following individuals responsive to this disclosure requirement:

1. Jerry Leon Dees, Jr.  
c/o Plaintiff's counsel





Jerry Leon Dees, Jr. is believed to have knowledge of the allegations set forth in his Complaint.

2. Wendy Warner  
Manager of the Employment Section, HMMA  
c/o Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
One Federal Place, Suite 1000  
1819 5<sup>th</sup> Avenue North  
Birmingham, AL 35203-2118

Ms. Warner has information regarding the relationship between HMA and HMMA, information relating to HMMA's employment of Plaintiff, and the events alleged in this lawsuit.

3. Jim Brookshire  
Stamping Manager, HMMA  
c/o Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
One Federal Place, Suite 1000  
1819 5<sup>th</sup> Avenue North  
Birmingham, AL 35203-2118  
(205) 328-1900

Mr. Brookshire is familiar with the incident and investigation that led to the termination of Plaintiff's employment with HMMA and the events alleged in this lawsuit.

4. William Ware  
Team Relations Specialist, HMMA  
c/o Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
One Federal Place, Suite 1000  
1819 5<sup>th</sup> Avenue North  
Birmingham, AL 35203-2118  
(205) 328-1900

Mr. Ware is familiar with the investigation of the incident that led to the termination of Plaintiff's employment with HMMA and the events alleged in this lawsuit.

5. Greg Prater  
Manager, Plant Engineering, HMMA  
c/o Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
One Federal Place, Suite 1000  
1819 5<sup>th</sup> Avenue North  
Birmingham, AL 35203-2118  
(205) 328-1900

Mr. Prater has information relating to Plaintiff's employment at HMMA and the events alleged in this lawsuit.

6. Kevin Hughes  
Team Leader, Plant Engineering, HMMA  
c/o Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
One Federal Place, Suite 1000  
1819 5<sup>th</sup> Avenue North  
Birmingham, AL 35203-2118  
(205) 328-1900

Mr. Hughes is generally familiar with the employment of Plaintiff at HMMA and the events alleged in this lawsuit.

7. Rob Clevenger  
Team Relations, HMMA  
c/o Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
One Federal Place, Suite 1000  
1819 5<sup>th</sup> Avenue North  
Birmingham, AL 35203-2118  
(205) 328-1900

Mr. Clevenger assisted in the investigation of an incident that led to the termination of Plaintiff's employment and has information of the events alleged in this lawsuit.

8. John Applegate  
Sr. Manager, Plant Engineering, HMMA  
c/o Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
One Federal Place, Suite 1000  
1819 5<sup>th</sup> Avenue North  
Birmingham, AL 35203-2118  
(205) 328-1900

Mr. Applegate is familiar with the job duties of HMMA maintenance members, familiar with events surrounding the termination of Plaintiff's employment and with the events alleged in this lawsuit.

Defendants reserve the right to timely supplement these Initial Disclosures.

**B. Relevant Documents**

Defendants state that some documents listed below may be protected by the attorney-client privilege, or the attorney work product doctrine, or as trial preparation materials under Rule 26(b)(3). By listing such documents, Defendants do not waive the privilege(s) attached thereto. In addition, Defendants do not waive any other objection it may have to discovery requests with respect to such documents (such as a requirement that certain document requests be limited in scope and/or be subject to a mutually agreeable protective order).

Without waiving and in accordance with the above statements, Defendants are currently aware of the following documents responsive to the disclosure requirement:

1. Employment file for Jerry Leon Dees, Jr.
2. Team Relations file for Jerry Leon Dees, Jr.
3. Benefits file for Jerry Leon Dees, Jr.
4. Payroll file for Jerry Leon Dees, Jr.
5. Team Member Handbook
6. Military Leave policy
7. Any documents disclosed by any party during the discovery of this case.

Defendants reserve the right to timely supplement these Initial Disclosures.

**C. Computation of Claimed Damages**

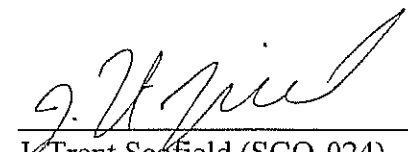
HMMA and HMA do not claim damages at this time, however, discovery is ongoing. HMMA and HMA reserve the right to supplement this response as discovery proceeds, and claim attorneys fees and expenses if it prevails and if the Court determines that such fees and expenses are recoverable under applicable rule or statute. HMMA and HMA further reserve the right to claim damages, attorney's fees and expenses for any counter-claim or third-party claim that it makes in this action.

**D. Insurance Agreement**

There is an insurance agreement that may be applicable to any judgment entered in this proceeding.

Defendants reserve the right to supplement these disclosures as discovery proceeds.

Served this the 7<sup>th</sup> day of June, 2007.



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J. Trent Scofield (SCO-024)  
T. Scott Kelly (KEL-053)  
OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.  
One Federal Place, Suite 1000  
1819 Fifth Avenue North  
Birmingham, AL 35203-2118  
Tel.: (205) 328-1900  
Fax: (205) 328-6000  
E-mail: trent.scofield@odnss.com  
E-mail: scott.kelly@odnss.com

Matthew K. Johnson  
OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.  
P.O. Box 2757  
Greenville, SC 29602  
Tel.: (864) 271-1300  
Fax: (864) 235-8806  
E-mail: [matthew.johnson@odnss.com](mailto:matthew.johnson@odnss.com)  
**Pro Hac Vice Granted 05/15/07**

Attorneys for Defendants Hyundai Motor  
Manufacturing Alabama, LLC and  
Hyundai Motor America, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on June 7, 2007, I served a copy of the foregoing via U.S. Mail, postage prepaid, and addressed as follows:

Vincent F. Kilborn, Esq.  
David Allen McDonald, Esq.  
W. Perry Hall, Esq.  
Kilborn, Roebuck & McDonald  
1810 Old Government Street  
P.O. Box 68710  
Mobile, AL 36660

Jeffrey R. Sport, Esq.  
Jeffrey R. Sport, P.C.  
8475 Sterling Drive  
Mobile, AL 36695

  
\_\_\_\_\_  
Of Counsel

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JERRY LEON DEES, JR.,

Plaintiff,

vs.

HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC, and HYUNDAI MOTOR  
AMERICA, INC.,

Defendants.

CASE NO.  
2:07-cv-00306-MHT-CSC

**HYUNDAI MOTOR MANUFACTURING ALABAMA LLC'S AND  
HYUNDAI MOTOR AMERICA, INC.'S FIRST SUPPLEMENTAL DISCLOSURES**

Defendants Hyundai Motor Manufacturing Alabama LLC ("HMMA") and Hyundai Motor America, Inc. ("HMA") (collectively "Defendants"), supplement the identification of persons likely to have discoverable information as provided for in Federal Rule of Civil Procedure 26(a)(1) as follows:

**A. Persons Likely To Have Discoverable Information**

Defendants state that Plaintiff's counsel is ethically prohibited by Rule 4.2 of the Alabama Rules of Professional Conduct from contacting HMMA and HMA employees who possess management authority or whose admissions could bind Defendant(s). As such, Plaintiff is prohibited from contacting witnesses designated below as 1-4. Without waiving and in accordance with this statement, Defendants are aware of the following individuals responsive to this disclosure requirement:

1. John Kalson  
Vice President Production, HMMA  
c/o Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
One Federal Place, Suite 1000  
1819 5<sup>th</sup> Avenue North  
Birmingham, AL 35203-2118

Mr. Kalson is familiar with the decision-making process that resulted in Dees' termination.

2. Scott Gordy  
Manager of Payroll, HMMA  
c/o Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
One Federal Place, Suite 1000  
1819 5<sup>th</sup> Avenue North  
Birmingham, AL 35203-2118

Mr. Gordy is familiar with the decision-making process that resulted in Dees' termination.


3. Richard E. Neal  
General Counsel, HMMA  
c/o Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
One Federal Place, Suite 1000  
1819 5<sup>th</sup> Avenue North  
Birmingham, AL 35203-2118

Mr. Neal is familiar with the decision-making process that resulted in Dees' termination because he was consulted as General Counsel to ensure that the termination process was legally defensible and, therefore, Mr. Neal's involvement is attorney-client privileged.

4. In addition, the following individuals are familiar with the decision-making process that resulted in Dees' termination: (a) John Applegate; (b) Rob Clevenger; and (c) Wendy Warner.

Defendants reserve the right to supplement these disclosures as discovery proceeds.

Served this the 11<sup>th</sup> day of September, 2007.

  
\_\_\_\_\_  
J. Trent Scofield (SCO-024)  
T. Scott Kelly (KEL-053)



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Matthew K. Johnson  
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Tel.: (864) 271-1300  
Fax: (864) 235-8806  
E-mail: [matthew.johnson@odnss.com](mailto:matthew.johnson@odnss.com)  
**Pro Hac Vice Granted 05/15/07**

Attorneys for Defendants Hyundai Motor  
Manufacturing Alabama, LLC and  
Hyundai Motor America, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on September 11<sup>th</sup>, 2007, I served a copy of the foregoing via Federal Express and addressed as follows:

Vincent F. Kilborn, Esq.  
David Allen McDonald, Esq.  
W. Perry Hall, Esq.  
Jeffrey R. Sport, Esq.  
Kilborn, Roebuck & McDonald  
1810 Old Government Street  
P.O. Box 68710  
Mobile, AL 36660

  
\_\_\_\_\_  
Of Counsel

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JERRY LEON DEES, JR.,

Plaintiff,

vs.

HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC, and HYUNDAI MOTOR  
AMERICA, INC.,

Defendants.

CASE NO.  
2:07-cv-00306-MHT-CSC

**DEFENDANTS' SUPPLEMENTED INITIAL DISCLOSURES/DOCUMENT  
PRODUCTION**

Pursuant to Federal Rule of Civil Procedure 26(c), Defendants, Hyundai Motor Manufacturing Alabama LLC ("HMMA") and Hyundai Motor America, Inc. ("HMA") (collectively "Defendants"), make the following supplementations to their Initial Disclosures and production of documents which have been made during the course of discovery to date. In making this supplementation, Defendants hereby adopt and incorporate their complete objections, responses, and identification of documents which have been previously produced during the course of discovery.

**A. Persons Likely To Have Discoverable Information**

Defendants recognize that the 30(b)(6) deposition scope issue regarding the relationship between HMMA and HMA is currently pending before the Court. Both Defendants HMMA and HMA shall designate corporate representative(s) to provide information responsive to the appropriate scope, as that scope is determined by the Court or otherwise agreed to by the parties.

Out of an abundance of caution, Defendants include these corporate representatives as persons likely to have discoverable information, for purposes of supplementation of their Initial Disclosures. Defendants reserve the right to further supplement as justice requires.

**B. Relevant Documents**

Defendants supplement their document disclosures/document production as follows:

1. Documents from Plaintiff's original employment file (Bates # 309 – 325, previously provided).
2. Contents removed from Plaintiff's locker and provided to Plaintiff on November 20, 2007.
3. DVD memorializing removal of Plaintiff's locker contents, previously provided to Plaintiff's counsel.
4. List of contents removed from Plaintiff's locker (Bates #332).
5. Copies of "original" files marked at the deposition of Wendy Warner, deposition exhibits nos. 1 – 4, available from Court Reporter.
6. Documents responsive to the duces tecum requests served in connection with Wendy Warner's deposition (Warner Depo Doc. # 0001 - 54, previously provided).
7. E-mail from Plaintiff to Greg Kimble, dated February 6, 2007 (Bates #333), attached hereto.
8. Updated Employment department file of Greg Prater, to reflect documents added to his file as of September 7, 2007 (Bates # 0326 – 331).
9. Defendant HMMA states that, with the exception of the documents identified in number 8 above, it has no additional documents to supplement regarding the Employment department and Team Relations department files of Kevin Hughes, Greg Prater, John Applegate, Jim Brookshire, and Wendy Warner.
10. Additional electronic mail documents retrieved related to Plaintiff's termination meeting and de-activation of Plaintiff's HMMA I.T. account (Bates # 0334 - 338, attached hereto).
11. Additional electronic mail documents retrieved by John Applegate from his work

computer related to Plaintiff's employment. (Bates # 0339 – 0343).

12. Photographs taken by Rob Clevenger on March 5, 2007 (Bates # 0344 – 0350).
13. Compact disc containing 219 photographs taken during November 28, 2007 On-Site Inspection noticed by Plaintiff's Counsel.
14. Out of an abundance of caution, Defendants also identify all documents obtained from third parties via subpoena, which have been previously provided. Defendants shall also make available any documents provided pursuant to subpoena served on Plaintiff's cellular phone provider.

Defendants reserve the right to supplement as justice requires.

**C. Computation of Claimed Damages**

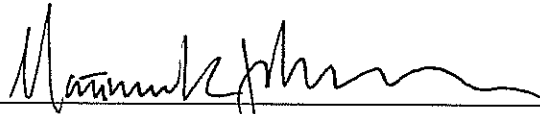
HMMA and HMA do not claim damages at this time, however, discovery is ongoing. HMMA and HMA reserve the right to supplement this response as discovery proceeds, and claim attorneys fees and expenses if it prevails and if the Court determines that such fees and expenses are recoverable under applicable rule or statute. HMMA and HMA further reserve the right to claim damages, attorney's fees and expenses for any counter-claim or third-party claim that it makes in this action.

**D. Insurance Agreement**

There is an insurance agreement that may be applicable to any judgment entered in this proceeding.

Defendants reserve the right to supplement these disclosures as justice requires.

Signed as to objections,

  
\_\_\_\_\_  
J. Trent Scofield (SCO-024)  
T. Scott Kelly (KEL-053)  
OGLETREE, DEAKINS, NASH,

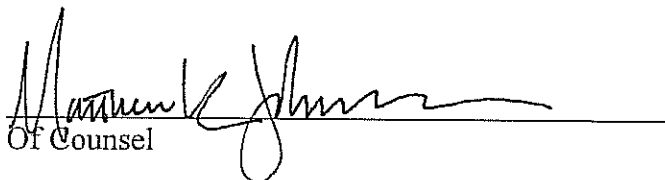
SMOAK & STEWART, P.C.  
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**Pro Hac Vice Granted 05/15/07**

Attorneys for Defendants Hyundai Motor  
Manufacturing Alabama, LLC and  
Hyundai Motor America, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on November 29, 2007, I served a copy of the foregoing via Hand  
Delivery, and addressed as follows:

Jeffrey R. Sport, Esq.  
Vincent F. Kilborn, Esq.  
David Allen McDonald, Esq.  
W. Perry Hall, Esq.  
Kilborn, Roebuck & McDonald  
1810 Old Government Street  
Mobile, AL 36660

  
Of Counsel

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

**JERRY LEON DEES, JR.,**

Plaintiff,

**VS.**

**HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC, and HYUNDAI MOTOR  
AMERICA, INC.,**

**Defendants.**

CASE NO.

2:07-cv-00306-MHT-CSC

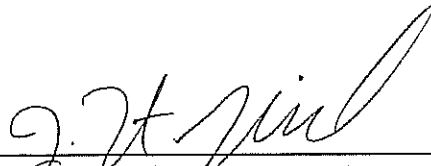
## **DEFENDANTS' SECOND SUPPLEMENTED INITIAL DISCLOSURES**

Pursuant to Federal Rule of Civil Procedure 26(c), Defendants, Hyundai Motor Manufacturing Alabama LLC (“HMMA”) and Hyundai Motor America, Inc. (“HMA”) (collectively “Defendants”), make the following supplementations to their Initial Disclosures which have been made during the course of discovery to date. In making this supplementation, Defendants hereby adopt and incorporate their complete objections, responses, and identification of documents which have been previously produced during the course of discovery.

**A. Persons Likely To Have Discoverable Information**

Defendants supplement their Initial Disclosures to include Kathy Parker, Vice President, Human Resources and Community Relations of Hyundai Motor America, Inc. Ms. Parker is believed to have discoverable information regarding the fact that HMA has no control or influence over HMMA's Human Resources/Employment Department, and that HMA never employed Plaintiff or had any control over his employment opportunities.

Defendants reserve the right to further supplement as justice requires.



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J. Trent Scofield (SCO-024)  
T. Scott Kelly (KEL-053)  
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E-mail: [matthew.johnson@odnss.com](mailto:matthew.johnson@odnss.com)  
**Pro Hac Vice Granted 05/15/07**

Attorneys for Defendants Hyundai Motor  
Manufacturing Alabama, LLC and  
Hyundai Motor America, Inc.



**CERTIFICATE OF SERVICE**

I hereby certify that on December 10<sup>th</sup>, 2007, I served a copy of the foregoing via

Facsimile and First Class U. S. Mail, postage prepaid, addressed as follows:

Jeffrey R. Sport, Esq.  
Vincent F. Kilborn, Esq.  
David Allen McDonald, Esq.  
W. Perry Hall, Esq.  
Kilborn, Roebuck & McDonald  
P.O. Box 66710  
Mobile, AL 36660

  
\_\_\_\_\_  
Of Counsel

**KILBORN  
ROEBUCK &  
MCDONALD**  
ATTORNEYS AT LAW

VINCENT F. KILBORN, III

M. LLOYD ROEBUCK

DAVID A. MCDONALD

W. PERRY HALL

JEFFREY R. SPORT

December 11, 2007

Via Fax and U.S. Mail

J. Trent Scofield, Esquire  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
One Federal Place, Suite 1000  
1819 Fifth Avenue North  
Birmingham, AL 35203-2118

Matthew K. Johnson, Esquire  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
P.O. Box 2757  
Greenville, SC 29602

Re: *Dees v. Hyundai Motor Manufacturing Alabama, LLC, et al.*

Gentlemen:

During Mr. Applegate's deposition it became apparent that there may be additional documents responsive to our existing document requests that have not yet been produced. First, Mr. Applegate testified that the daily reports should contain evidence of the activities performed by the maintenance employees on any given day. Since we have previously requested documents relating or referring to the "pit" in request No. 9, I believe that these daily reports are responsive to that request.

Second, Mr. Dees testified that Mr. Prater maintained the guard weekend schedules that Mr. Dees turned in. These documents are responsive to request No. 3.

Third, as Matt and I discussed, Plaintiff has previously requested all policies and procedures in effect during Mr. Dees' employment tenure. Matt indicated that what was produced was what was relevant to this suit. Defendants, however, are not the only arbiter of what is relevant. I have offered to review an index of the policies and procedures to ascertain whether any others may be relevant, in our opinion. Please provide either all of the requested policies and procedures, or an index containing a description of the policies and procedures, for my review.

Please provide these documents as soon as possible, or please notify me of your objections immediately so that I may file the appropriate motion to compel.

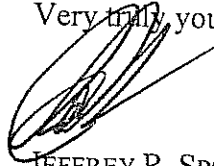
**PLAINTIFF'S  
EXHIBIT**

15

Trent Scofield, Esq.  
December 11, 2007  
Page 2 of 2

With best regards, I remain

Very truly yours,

A handwritten signature in black ink, appearing to read "JEFFREY R. SPORT", written over the printed name.

JEFFREY R. SPORT  
For the Firm

JRS/jrs

DETACHMENT 1, 1165<sup>TH</sup> MILITARY POLICE (CBT)(SPT)  
ALABAMA ARMY NATIONAL GUARD  
95 AIRPORT DRIVE  
BREWTON, ALABAMA 36426

TM4A-1-RNCO

26 MAR 2007

MEMORANDUM FOR RECORD

SUBJECT: IDT INSTRUCTIONAL LETTER FOR HUMAN RESOURCE OFFICER

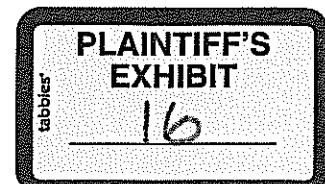
1. This is in reference to a letter that was sent on behalf of SSG Jerry L. Dees, on or around 23 OCT 2006. SSG Dees notified this office that his supervisor was requiring a copy of orders for SSG Dees' IDT Training Periods, (drill weekends). At this time I mailed a LOI, letter of instruction to the Human Resource Office of Hyundai in Montgomery, which is SSG Dees' place of employment.

2. Basically the letter stated that orders for drill weekends were not cut. The only orders cut was a unit order for the 2 week annual training period. Drill weekends are scheduled out on a YTC, yearly training schedule and this provides the employer with all the drill dates and annual training dates for that physical year. Also if the employer required it, the unit would gladly provide a Letter of Participation stating that SSG Dees was present at the scheduled drill. I also provided a copy of the yearly drill calendar to the HRO and to SSG Dees to give to his supervisor. I also informed the HRO if there was anything that the unit could do to make this process easier for the employer, let me know.


3. If you need any further information, please contact me, SGT BARNES at 251-867-5473.

FOR THE COMMANDER:

*Franklin D Barnes*  
FRANKLIN D. BARNES  
SGT, MP, AL ARNG  
TRAINING NCO



DEES000002

 <b>HYUNDAI</b> Hyundai Motor Manufacturing Alabama	<b>Team Relations Memo</b>	HR-AL-HR-TR-F-00002
Revision Date: 9-Sept-04	Owner: Team Relations	Revision Level: 00

**TO:** Greg Kimble  
**FROM:** Rob Clevenger  
**DATE:** February 23, 2007  
**SUBJECT:** Leon Dees/ Term

**Summary:** On February 14, 2007 at approximately 1am, Jim Brookshire (mgr, stamping) was in the stamping third level looking at a quality issue. The third level overhead is approximately 75ft off the ground. It is an isolated area. This is where the side outer panels are warehoused in overflow.


Jim noticed Leon sitting in front of a panel in a chair. Jim states Leon was asleep with his head down and his chin tucked to his chest. Jim states he was 25ft away when he first noticed Leon. Two doors of the panel were open which served as a blind and hide Leon from most views. He moved to within 15ft of Leon and observed him for approximately Two (2) minutes. At that time Jim keyed the mike on his radio and it made a chirping sound several times. At this sound Leon lifted his head then got up and picked up a tool used to clear carrier when they become inoperable.

Leon did not speak to Jim or explain his presence in the overhead. Jim also noted there were no carriers that were in need of service. There is no reason for a maintenance person to be in the overhead unless there is an immediate need for carrier repair.

In Leon's statement he says the time was 10:30pm to 11:30pm. He also states he was sitting in the overhead text messaging his daughters regarding the weather and was not asleep. Leon state Jim never got closer than 50ft from him. Leon became agitated and stated he didn't give a damn and was tired of this shit.

**Conclusion:** Leon's statement does not match the timeline or the proximity described by the stamping manager. I believe we must give weight to the manager's account and assume that the event took place at 1am on Wednesday morning. The storms had passed our area by 7:15pm on Tuesday evening. I have a signed statement by the stamping manager that he was 15ft from Leon and observed him for 2 minutes. There was a chair placed in between the two open doors. The area is several feet off the floor and is an area that a maintenance man would enter fix a carrier and then leave. There is not a need or a practice where a person would need a chair and be waiting in that area for a breakdown to occur. The department is asking for termination.



 <b>HYUNDAI</b> Hyundai Motor Manufacturing Alabama	<b>Team Relations Memo</b>	HR-AL-HR-TR-F-00002
Revision Date: 9-Sept-04	Owner: Team Relations	Revision Level: 00

**Past Practice:**

10270 5	King	Ontario	Engine	3-Jan-06	Inappropriate conduct	Sleeping during work hours
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## Interview with Jim Brookshire

On Feb 14 at approx. 1:00 AM, Jim went upstairs to check on some quality issues in the SOP. (Side outer)

Jim went up to the 3<sup>rd</sup> floor where he noticed Leon Deo sitting at operating station. Leon was positioned with his head down and his back was towards the cabinet.

Jim observed Leon sitting in this position for approx. 2 minutes.

At this time Jim turned up his radio and let it chirp about 4 times before Leon responded.

Whenever Leon woke up he grabbed a pole and began to act like he was pulling trolleys.

Jim went around to check some panels and when he approached the area again he noticed Leon sitting in the same chair; however, this time he was alert. Not long after this Jim witnessed Leon walking down the stairs.

About 30 minutes passed by before Jim talked to Mr. Kevin Hughes. During this time Kevin did not know where Leon was.

A-A BL- 2-15-07



Jim was approximately 25 feet away from Leon when he noticed that he was asleep.

Jim walked towards Leon and began chirping his radio at a distance approx 15 feet.

Due to Leon's hat being on his head Jim did not see his eyes closed; however he (Jim stated that his head was facing towards the floor, with his chin tucked to his chest).

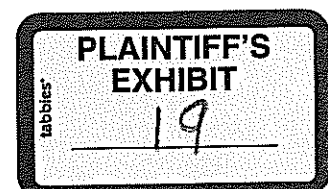
J. A. B. J.  
2-19-07

Clevenger, Robert A HMMA/HR

From: Applegate, John HMMA/Plant Engineering  
 Sent: Wednesday, February 21, 2007 5:58 AM  
 To: Clevenger, Robert A HMMA/HR  
 Subject: FW: Leon Deez

From: Prater, Greg L HMMA/Plant Engineering  
 Sent: Wednesday, February 21, 2007 5:20 AM  
 To: Applegate, John HMMA/Plant Engineering  
 Subject: Leon Deez

John per Leon and I and Wills conversation: I started that it was reported by management that he was sleeping in the SOPS – he said I know who it is it was Jim, I didn't confirm or deny, I just said I was just following up. Leon said that he was not sleeping there in the SOPS, He watched Jim walk all around the Mezzanine area and he was Text Messaging his daughter due to the bad weather, I asked what time he said around 10:30 or 11 pm he wasn't for sure. He also stated that he knew what Jim was doing and what he thought he was doing, he just watched him and continued text messaging, I asked why would you leave a question in his mind, why didn't he nod at him or wave or something just to prove that he wasn't sleeping, his response is I just don't give a DAMN, You guys just do what ever you want IM fed up with this SHIT, I explained that what you do if you were a Forward Observer on look out and on Guard Duty and you had some one (Officer) come by would you have done the same, HIS Reply was that's totally different, you cant compare that with this, and he goes on about his war stories, ..... then back to the point, I asked him at any time did Jim approach you while you were Text Messaging him he said the closest he came to me was 50 ft and that was it. I asked him again are you sure that he couldn't have approached you when you were looking down or anything, his reply NO the closest he got was 50ft. and I asked him if he had anything else to say... he grumbled around about he wanted to talk with Jim and confront this and I told him NO, that this was not to be brought up to Jim he didn't need to confront Jim, that he needed to leave things alone with him, he said again bring him in here, I said again, No that all I was doing was following up, and trying to gather facts that's all. He didn't need to confront Jim that this could make things worst especially if it were a hostile confrontation. I asked him for anything else, he said no. Based on this conversation I feel that even if he were not sleeping, that he doesn't care enough about his job to prevent anyone from thinking his was sleeping. John my recommendation, as hard as it is for me to say: Termination. Greg



2/23/2007

DEES V HMMA 00035 DOCS PRODUCED

Powers, Nancy HMMA/HR

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From: Dees, Jerry L. Jr HMMA/Plant Engineering

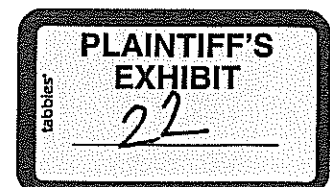
Sent: Tuesday, February 06, 2007 10:57 PM

To: Kimble, Greg HMMA/HR

Mr. Kimble,

I am writing to request a meeting with you regarding several issues that have arisen on my shift between Greg Prater, Kevin Hughes, and myself. I have talked to Human Resources on two separate occasions regarding Greg Prater and also filed a complaint on him through my National Guard Unit. There have been positive results from both meetings and once again I am seeking your help. I am currently working night shift but would greatly appreciate a meeting with you at your convenience. Thank you.

Leon Dees  
Stamping Maintenance



 <b>HYUNDAI</b> Hyundai Motor Manufacturing Alabama	<b>TEAM RELATIONS MEMO</b>	HR-AL-HR-TR-F-00002
Revision Date: 05/26/06	Owner: Team Relations	Revision Level: 02

**TO:** Rob Clevenger

**FROM:** William Ware

**DATE:** February 21, 2007

**SUBJECT:** Leon Dees

**Interview with Leon Dees, William Ware, and Greg Prater**

Greg began our talk with Leon by informing him that a member of management noticed him on the third floor asleep on the morning of February 8th. Leon responded, "I was not asleep, I know exactly who you are talking about, call Jim Brookshire in here and I will confront him right now." Greg calmed Leon down and explained that the reason why we had assembled into the room was so that we could get his side of the story. Leon stated that he was sitting in a chair text messaging his daughter due to the bad weather outside. His location was at the RO 1 station. Leon stated that this event took place around 10:30-11:30 pm. Leon also contends that Jim never approached him. In fact when asked what was the closest Jim came to him he replied about "55 feet." Leon made the following comment several times; he sat and watched Jim walk around on the third floor; however, he is to the point where he does not care about what people say. He went on to say that we complain over and over again but nothing happens, so I just don't care anymore. "If something breaks then I will fix it but I will not run the shop like I used to."



**PLAINTIFF'S  
EXHIBIT**

32

## EMPLOYEE EVALUATION

Employee: L. DEESClock No. 5742Job: A. MAINTENANCETime in Present Job: More / Less than 1 Year
**INSTRUCTIONS:**

Listed below are a number of traits, abilities and characteristics that are important for success in business. Circle the number next to the descriptive phrase which most nearly describes the employee being rated in his present job classification. Carefully evaluate each of the qualities separately.

**A. ACCURACY**

- 1 Careless, makes recurrent errors
- 2 Usually accurate, makes only average number of mistakes
- 3 Requires little supervision; is exact and precise most of the time

**B. ABILITY TO FOLLOW INSTRUCTIONS**

- 1 Requires more than average instructions and explanations
- 2 Grasps instructions with average ability
- 3 Usually quick to understand and learn

**C. SAFETY AWARENESS**

- 1 Sometimes safety conscientious and wears safety equipment
- 2 Most of the time safety conscientious and wears safety equipment
- 3 Always safety conscientious and always wears safety equipment

**D. HOUSEKEEPING**

- 1 Some tendency to be careless and untidy
- 2 Ordinarily keeps work area fairly neat
- 3 Always neat, clean and orderly

**E. ATTITUDE**

- 1 Attitude questionable for this job
- 2 Attitude satisfactory for this job
- 3 Outstanding attitude for this job

**F. PHYSICAL FITNESS**

- 1 Frequently tires and is slow
- 2 Meets physical and energy job requirements
- 3 Energetic; seldom tires

**G. ATTENDANCE**

- 1 Lax in attendance and/or reporting for work on time/leaving job early
- 2 Usually present and on time
- 3 Very prompt, regular in attendance
- 4 Always regular and prompt, volunteers for overtime when needed

**H. DEPENDABILITY**

- 1 Requires close supervision, is unreliable
- 2 Sometimes requires prompting to complete job assignments or follow S.O.P.'s
- 3 Requires little supervision, completes job assignment and follows S.O.P.'s without prompting
- 4 Requires no supervision, completes job assignment and follows S.O.P.'s without prompting, assists others with their job assignments

Plaintiff's Exhibits  
33-34  
Filed Under Seal  
Confidential

*Plaintiff's Brief in Support of His Response in Opposition to  
Defendant's Motion for Summary Judgment  
2:07-cv-00306-MHT-CSC*